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DISTRICT II

December 28, 2018

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You are hereby notified that the Court has entered the following order:

2017AP2288

State of Wisconsin v. Steven A. Avery (L.C. # 2005CF381)

Before Reilly, P.J.

Steven Avery appeals from the circuit court's denial of his WIS. STAT. § 974.06 (2015-16) motions. Avery, by counsel, moves the court to stay this appeal and remand to the circuit court so that he may seek further postconviction testing of evidence pursuant to WIS. STAT. § 974.07. The State objects on the grounds that a request for further scientific testing would constitute a new proceeding and such a proceeding is not necessary to decide whether the circuit court erroneously denied Avery's § 974.06 motions.

The scope of this appeal is limited to a review of the circuit court's orders denying Avery's WIS. STAT. § 974.06 motions. We conclude that further scientific testing of evidence is not necessary to decide this appeal. Good cause to remand has not been shown.

Upon the foregoing reasons,

IT IS ORDERED that the motion to stay this appeal and remand to the circuit court is denied.

IT IS FURTHER ORDERED that the appellant's brief shall be filed on or before February 1, 2019.

Sheila T. Reiff
Clerk of Court of Appeals