

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
FILED

2018 MAR 22 P 12:22

STEPHEN C. DRIES
CLERK

Steven Alan Magritz, Petitioner,
falsely "charged" and imprisoned as "STEVEN A MAGRITZ", an
artificial entity on whose behalf Petitioner does not act ~~XXXXXXXXXX~~
~~XX~~
~~XX~~
Given names and surname of Petitioner; and, "name" of "defendant"

437944.

Prisoner Number

~~XXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXX~~

Place of Confinement ("community custody")

vs.

Jon E. Litscher, Respondent.

Authorized Person Having Custody of Petitioner
3099 E. Washington Ave.
Madison, WI 53701

Docket No. **18-C-0455**
(to be supplied by Clerk)

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

TAKE NOTICE: The "Writ of Error, generally, and Order for Remedy", and ALL accompanying Refusals for Fraud, Commissioners and judges [fraudulent] opining, documents, pages, sections, Amended Petition for Habeas Corpus, exhibits, etc., are incorporated herein by reference verbatim as if set forth at length herein.

Caution: THIS IS NOT THE FORM TO BE USED, IF YOU CLAIM THAT YOUR FEDERAL SENTENCE OR CONVICTION IS UNLAWFUL, OR IF YOU ARE A PRETRIAL DETAINEE CHALLENGING YOUR PRECONVICTION CUSTODY, A FEDERAL PRISONER CHALLENGING THE EXECUTION OF YOUR SENTENCE OR AN ACTION TAKEN BY THE BUREAU OF PRISONS, OR A PERSON IN CUSTODY CHALLENGING AN IMMIGRATION-RELATED ORDER.

I. SUBJECT OF THIS PETITION

A. Name and location of the state court that entered the judgment of conviction which you are challenging

Ozaukee County Circuit Court Branch III (SANDY A. WILLIAMS)

1201 S. Spring Street

Port Washington, WI 53074

B. Criminal docket or case number 2011CF236

C. Date of the judgment of conviction February 1, 2016

D. Date of sentencing February 11, 2016

E. Length of sentence Four (4) years and six (6) months

F. In this case, ~~were you~~ ^{was the "defendant"} convicted on more than one count or of more than one crime?

Yes No

G. Identify all ^{alleged} crimes of which you were ~~convicted and sentenced in this case~~ ^{maliciously prosecuted and imprisoned in this case}

I recorded a Deed with the Register of Deeds correcting my own deeds previously recorded on September 14, 1990, to correct the public record and petition for Redress of Grievances. At the same time I was exposing public corruption.

I am a victim of crime and was retaliated against by attorneys I filed criminal charges against. The false "charge" and false "criminal complaint" brought by the state's attorney was "criminal slander of title" for having recorded my correction deed.

H. What was your plea? (Check one) Non Assumpsit by Way of Confession and Avoidance

Not guilty Guilty Insanity plea Not contended (no contest)

If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? **NOT APPLICABLE, HOWEVER:**

Persecuting "judge" Sandy A. Williams ignored my plea for me, the man, and entered a "Liar's Plea" of "not guilty" for the "defendant" in order to fraudulently create a controversy for the court to "hear". I was NOT the "defendant" nor did I act at any time whatsoever for or on behalf of the "defendant". I was being persecuted and retaliated against for filing criminal charges against Williams and the DA and other attorneys and for suing them in federal court for breach of fiduciary duty.

I. If you went to trial, what kind of trial did you have? (Check one)

Jury Judge only

Star-Chamber: "Judge" and state's attorney (DA) colluded to conceal exculpatory evidence from the jury. The evidence (affidavits) were twice filed with the clerk of court and twice removed and concealed. I was threatened and gagged from presenting exculpatory evidence and a defense. My witness was ordered off the witness stand when he began to testify.

SUBJECT OF THIS PETITION - continued

J. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes No

If yes, state the type(s) of hearing or proceeding

Trial - at which I was threatened and gagged by Williams and prevented from presenting testimony or exculpatory evidence.

II. DIRECT STATE APPEAL OF CONVICTION

A. Did you appeal from the judgment of conviction?

Yes No

If yes, attach the decision(s) that resolved your appeal and answer the following questions:

1. Date of filing appeal _____

2. Grounds raised _____

3. Result _____

4. Date _____

B. Did you seek further review by the highest state court?

Yes No N/A - Not Applicable

If yes, attach the decision(s) that resolved your petition for review and answer the following questions:

1. Date of filing of petition for review _____

2. Grounds raised _____

3. Result _____

4. Date _____

DIRECT STATE APPEAL OF CONVICTION - continued

C. Did you file a petition for certiorari in the United States Supreme Court?

Yes No Not Applicable

If yes, attach the decision(s) that resolved your petition for certiorari and answer the following questions:

1. Date of filing petition for certiorari _____
2. Grounds raised _____

3. Result _____
4. Date _____

III. STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL

A. Other than the appeals listed above in Section II, have you previously filed any other state petitions, applications, or motions concerning this state judgment of conviction?

Yes No

If yes, attach the decision(s) that resolved your application for state post-conviction relief and answer the following questions: No "decision". I did not consent to pay the filing fee after my filing was fraudulently mischaracterized, converted to an appellate proceeding, and filed in the court of appeals.

1. Name of court Supreme Court of Wisconsin
2. Docket or case number 2016AP001522-W
3. Date of filing Executed July 12, 2016; court website indicates "filed" August 12, 2016 A.D.
4. Type of petition, application, or motion filed Original suit for Common Law Habeas Corpus Ad Subjiciendum brought under the Constitution of the state (sic) of Wisconsin.
5. Grounds raised No personal jurisdiction; no subject matter jurisdiction; infringement upon right to petition for redress of grievances, and upon freedom of speech on matters of public concern; arrest without warrant; failure to give "fair notice"; biased judge; biased prosecutor; concealment of exculpatory evidence; prevented from presenting defense; threatened and gagged by "judge"; no mens rea, no instruction to jury; subornation of false testimony; jury tampering; denial of assistance of counsel; denial of defense witnesses; violation of confrontation clause; fraud upon the court by both "judge" and prosecutor; unconstitutional "charging" statute; cruel or unusual punishment; malicious prosecution; and more - see Amended petition for habeas corpus incorporated herein by reference.
6. Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

7. Result "Gatekeepers", presumably attorneys, at the clerk's office fraudulently converted the character of the action, changed the names of the parties, filed my writ in the court of appeals as an appellate proceeding, and demanded "extortion" in the amount of \$195.00 for their perfidy, which I did not pay, but instead filed a petition under 28 U.S.C. sec. 2241 in federal court. See Section V, "Prior Federal Challenges" herein.

STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL- continued

8. Date Not Applicable
9. Did you appeal to the highest state court having jurisdiction over the action taken on your first state petition, application, or motion?
- Yes No Not Applicable

B. If you filed a second petition, application, or motion, attach the decision and answer the following questions:

1. Name of court Court of Appeals, District II
2. Docket or case number 2017AP189-W
3. Date of filing Mailed on or about January 23, 2017
4. Type of petition, application, or motion filed Petition For Habeas Corpus Ad Subjiciendum Pursuant To Article I, Section 8 of the Constitution of Wisconsin, 1848 A.D.
5. Grounds raised See grounds set forth in section III. A. 5 above, reiterated here. See AMENDED Petition for Common Law Writ of Habeas Corpus, and, Writ of Error, both incorporated herein by reference as if set forth at length herein. These are ALL the same grounds as raised in this petition.
6. Did you receive a hearing where evidence was given on your petition, application, or motion?
- Yes No
7. Result The judges stonewalled for months, ignored several motions, remained silent until June 6, 2017, when I visited the clerk's office to get copies, on which day they denied the petition as being "oversize".
8. Date(s) June 6, 2017, and, July 6, 2017.
9. Did you appeal to the highest state court having jurisdiction over the action taken on your second state petition, application, or motion?

Yes No NOT APPLICABLE AT THAT POINT IN TIME, because:

I filed an AMENDED petition which was not "oversize, for which the "court" DEMANDED a second filing fee of \$195.00. This AMENDED petition was filed as case no. 2017AP1531-W, see section III C below. My Refused For Fraud dated June 15, 2017 is specifically incorporated herein by reference, as are all accompanying documents, exhibits, etc.

C. If you filed a third petition, application, or motion, attach the decision and answer the following questions:

1. Name of court Court of Appeals, District II
2. Docket or case number 2017AP1531-W
3. Date of filing August 1, 2017 A.D.

STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL- continued

AMENDED Petition For Common Law Writ of Habeas Corpus Ad Subjiciendum

4. Type of petition, application or motion filed Pursuant to Article I, Section 8 of the constitution of Wisconsin, 1848 AD

5. Grounds raised See grounds set forth in section III. A. 5. above, reiterated here. See AMENDED Petition for Common Law Writ of Habeas Corpus, and, Writ of Error, both incorporated herein by reference as if set forth at length herein. These are ALL the same grounds as raised in this petition.

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No Absolutely NOT. Judicial corruption is rampant in "STATE OF WISCONSIN".

7. Result The fraudulent "opinion and order" stated to file a statutory "motion" with the lower court actors perpetrating the malicious prosecution, thereby compounding the illegality and precluding any remedy whatsoever.

8. Date(s) November 7, 2017, and, December 11, 2017.

9. Did you appeal to the highest state court having jurisdiction over the action taken on your third state petition, application, or motion?

Yes No See "Praecepto to the clerk", "Writ of Error, generally, and Order for Remedy", the Notice from the S.Ct. Commissioners evidencing their fraudulent conversion, and my Notice of Unlawful Conduct to the S.Ct. justices, incorporated herein by reference in their entirety.

IV. GROUNDS FOR RELIEF

For this petition, state every ground supporting your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court.

If Ozaukee County Circuit Court Branch III ever had jurisdiction, which I deny, jurisdiction was forfeited / lost when its state actors infringed upon or violated my constitutionally secured rights.

Ground One: First Amendment violation. Circuit Court State actors, Sandy A. Williams and Adam Yale Gerol, "judge" and prosecutor respectively, infringed upon and/or violated my secured right to petition government for redress of grievances. Said actors converted my constitutionally secured right into a crime by prosecuting Ozaukee County case no 2011CF236.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

In 2001, Dennis E. Kenealy, corporation counsel for the public corporation named Ozaukee County and an associate of both Williams and Gerol, effectuated a scheme to steal my federally protected private property by filing a "foreclosure" action against my private property. I answered the complaint, but Kenealy removed my answer from the court file, and thereafter concealed my answer from the court, then falsely represented to the court that I had not filed an answer to his complaint.

By definition Kenealy's acts were fraud upon the court. By said fraud Kenealy obtained a "default" judgment with which my private property was seized. From July 2011 through November 2011 I petitioned public officers of Ozaukee County for redress

GROUND FOR RELIEF - continued

of grievances from the void "judgment" and exposed Kenealy's crimes. On November 15, 2011, in furtherance of my petitioning for redress of grievances, I recorded a correction deed titled "Confirmation Deed", correcting mistakes in my property deeds previously recorded on September 14, 1990. On December 1, 2011, both Kenealy and Gerol filed actions to stop my petitioning for redress of grievances. Kenealy filed for an injunction. Gerol filed a criminal complaint, case no. 2011CF236, for my having recorded the correction deed on November 15th. Gerol thus converted my right to petition for redress of grievances into a crime. See my "AMENDED Petition For Common Law Writ of Habeas Corpus Ad Subjiciendum Pursuant to Article I, Section 8 of the constitution of Wisconsin, 1848 A.D.", hereinafter "AMENDED Petition for Habeas Corpus", and the exhibits thereto, incorporated herein by reference as if set forth at length herein.

If you did not exhaust your state remedies on Ground One, explain why.

~~_____~~
~~_____~~
~~_____~~

Ground Two: First Amendment violation. State actors Williams and Gerol violated or abridged my secured right to freedom of speech on a matter of public concern or public interest. Williams and Gerol converted my constitutionally secured right into a crime.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

On November 15, 2011, I recorded a correction deed in the office of the Register of Deeds, correcting mistakes in my own property deeds which had been previously recorded on September 14, 1990. I have the right to correct mistakes in the public record, especially when the mistakes were mine in the first instance. I also have a duty to correct those mistakes so that others do not rely on the mistakes. Further, since the mistakes were common to mistakes made by numerous other homeowners in Deeds recorded by them, it is in the public interest and of public concern to correct the record and make the mistakes known to the public. It is also of public concern and public interest to have correct public records. I was exercising my secured right to freedom of speech when I corrected the public record, which right Williams and Gerol then converted into a crime.

See AMENDED Petition for Habeas Corpus and exhibits thereto incorporated herein by reference.

GROUNDS FOR RELIEF - continued

If you did not exhaust your state remedies on Ground Two, explain why.



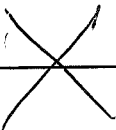
Ground Three: Fifth Amendment violation. Failure to give "Fair Notice" that recording a correction deed correcting mistakes in my own previously recorded property deed could subject me to punishment.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

On November 15, 2011 I recorded a correction property deed which corrected mistakes in my Property Deeds originally recorded September 14, 1990. I had no idea that anyone in their right mind could construe my action as a "crime". I was not given any notice or indication whatsoever that anyone had an "issue" with my recording. Neither the Register of Deeds nor any other person in the recording office said anything about the Deed when I brought it in for recording. No one questioned why recording the deed was exempt from the real estate transfer fee. No one questioned any of the wording in the Deed. No one said there were any mistakes in the Deed. No one said there was anything wrong with the Deed. No one asked me any questions about the Deed. No one gave me any indication at all that anyone might question the Deed. No one sent me a letter or other communication stating they had any issues with the Deed or questions about the Deed. No one called me on the telephone regarding the Deed. No one gave me any Notice whatsoever that any person might have an "issue" regarding the Deed. No one gave me an opportunity to explain the terms or wording in the Deed, therefore I had no idea whatsoever that the Register of Deeds was cognitively challenged and would give false information to a law enforcement officer resulting in false "charges", false arrest and false imprisonment.

See AMENDED Petition for Habeas Corpus and exhibits thereto incorporated herein by reference.

If you did not exhaust your state remedies on Ground Three, explain why.



GROUNDS FOR RELIEF - continued

Ground Four: Fifth Amendment, denial of due process: Biased "judge" Sandy A. Williams purposely, intentionally, denied me a fair trial, prevented me from presenting a defense, perpetrated fraud upon the court, tampered with the jury, retaliated against me - a victim of crime, and refused to recuse herself.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)
In 2003 I filed a criminal complaint with then district attorney Sandy A. Williams against attorney Dennis E. Kenealy, an associate of Williams, for theft of my private property valued at that time in excess of \$700,000.00. Williams refused to prosecute Kenealy. In 2011 I filed criminal complaints with the sheriff, district attorney Adam Y. Gerol - who was the former assistant D.A. under Williams, with Gov. Scott Walker, A.G. Van Hollen, and others, setting forth the misprision of felony of Williams, now a circuit court judge. I sued Williams in federal court for breach of fiduciary duty. Williams was featured on the OzaukeeMob.org website as a corrupt judge, for which she made known her disdain at sentencing. Williams is the persecuting "judge" who sent me, an innocent man, to prison as "payback" or retaliation. I was arrested without a warrant, taken bound in front of Williams for a surprise preliminary hearing of which I had no notice. Williams refused to reopen the preliminary hearing, and repeatedly refused my repeated demands for assistance of counsel at arraignment. Williams entered a "Liar's Plea" of not guilty after I had repeatedly plead "Non Assumpsit by Way of Confession and Avoidance". Williams thereby fraudulently created a controversy for the court to be able move forward. Exculpatory evidence was repeatedly removed from the case file from behind the locked doors of the clerk and thereafter concealed from the court. Only Williams and Gerol had the means, motive, and opportunity to remove and conceal exculpatory evidence from the clerk of court's files. Williams threatened and gagged me not to ever mention the exculpatory evidence and removed the jurors from the courtroom when I attempted to enter the exculpatory evidence at trial. Williams interfered with voir dire by pre-screening my questions. Williams quashed my subpoenas of witnesses. Williams ordered my witness off the witness stand and stopped him from testifying. Fraud upon the court. And MORE.

Incorporated herein by reference, as everywhere in this petition, are ALL of the accompanying documents, and especially my AMENDED Petition for Habeas Corpus and all exhibits thereto, particularly Exhibit C, my Report / Affidavit of criminal activity by victim/witness of crime, which was twice removed and thereafter concealed.

If you did not exhaust your state remedies on Ground Four, explain why.

~~_____~~
~~_____~~
~~_____~~

~~XXX PRIORITY FEDERAL CHALLENGES~~

~~XXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXX~~ ~~Yes~~ ~~XXXXXXXXXXXX~~ ~~No~~

~~If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions:~~

~~XXX Name of court _____~~

GROUND FOR RELIEF - continued

FIVE:
Ground ~~Four~~ Fifth Amendment, denial of due process: Biased prosecutor Adam Yale Gerol: Abuse of power under
under color of law; malicious prosecution; concealment of exculpatory evidence; fraud upon the court; suborning
false testimony; prosecutorial estoppel.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

Prosecutor Adam Yale Gerol was the assistant to district attorney Sandy A. Williams in 2003 when I filed the first of many criminal complaints against his associate, attorney Dennis E. Kenealy, for the theft of my private property. In 2011, after Gerol became D.A., I again filed criminal complaints with the sheriff, D.A. Gerol, and the circuit court after Gerol refused to prosecute stating that the statute of limitations had run out. However, Gerol could have prosecuted using a sister state statute along with Wisconsin statutes. See pages 8 - 10 of my AMENDED petition For Writ of Habeas Corpus. Between July and December of 2011 I was petitioning Ozaukee County public officers for redress of grievances and again exposing Kenealy's crimes. I believe that it was at the behest of Kenealy that Gerol filed his false criminal complaint on December 1, 2011, which resulted in my false arrest and false imprisonment. This was the very same day Kenealy filed for an injunction. Within days of Gerol filing his false criminal complaint I notified Gov. Scott Walker, et al. by way of affidavit (Exhibit C) of Gerol and Kenealy's retaliation against a victim and witness of crime. See exhibits B, C, & D, incorporated herein by reference. I petitioned Gerol for redress and notified him by way of affidavits (Ex. D) that his criminal complaint was false and he had a duty to withdraw his complaint. Gerol had a fiduciary duty to respond to me, but failed / refused to respond, thereby agreeing that he was estopped by his silence from prosecuting his false complaint (Exhibit D). Gerol knowingly prosecuted me, an innocent man, using a criminal complaint he KNEW was false. At the preliminary hearing on October 2, 2015, of which I did NOT receive notice, Gerol suborned false testimony from Ronald Voigt: "Confirmation deed is an unknown title for a document". Both Gerol and Williams had known for four years that Voigt's statement was false. I later exposed Voigt, Gerol's star witness, who then refused to testify at trial. Gerol had Williams suppress exculpatory evidence (Exhibit C) and quash witnesses for the defense, while having the same or similar witnesses on his witness lists. The exculpatory evidence was removed from court files from behind the locked doors of the clerk of court, and thereafter concealed from the court - both felonies. The only persons known to have means, motive and opportunity to remove and thereafter conceal court records are Sandy A. Williams and Adam Y. Gerol, both of whom I had filed criminal complaints against, sued in federal court for breach of fiduciary duty, and who were featured on the OzaukeeMob.org website as corrupt attorneys, which both Williams and Gerol complained about at the sentencing hearing, thereby evidencing their personal embroilment, bias and vendetta. Incorporated herein by reference are ALL of the accompanying documents.

If you did not exhaust your state remedies on Ground ~~Four~~, explain why.
FIVE

~~_____~~
~~_____~~
~~_____~~

~~XXXX PRIORITY FEDERAL CHALLENGES~~

~~A. Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXXX Yes XXXXX XXX No~~

~~If yes, attach the decision(s) that resolved your prior federal court challenges and answer the following questions~~

~~XXXX Name of court _____~~

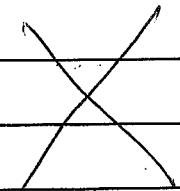
GROUND FOR RELIEF - continued

SIX:
Ground ~~FOUR~~ Sixth Amendment violation: Denial of assistance of counsel.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

On October 15, 2015 I was shackled hand and foot, and **again without Notice** was taken in front of Williams for a "hearing". I discovered the "hearing" was an arraignment. I swore myself in under the pains and penalties of perjury, and repeatedly gave notice that I did not accept attorney Gary Schmaus as stand-by counsel and that atty. Schmaus did not represent me. I never waived assistance of counsel. **I repeatedly demanded**, about six times, **assistance of counsel pursuant to the Sixth Amendment, which Williams denied.** See specifically pages 25 - 27 of the AMENDED Petition for Habeas Corpus, and, Exhibit F, page 5, Court Record Entries, 12-15-2015, incorporated herein by reference, evidencing "I" did not have counsel (record uses term "defendant") and Williams acknowledging the "defendant" did not have counsel, and, Exhibit K, the transcript of the "arraignment", and, Exhibit G, two pages of notes evidencing tampering with the transcript, as well as the AMENDED Petition for Habeas Corpus, all exhibits thereto, and, accompanying documents, all incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~FOUR~~ SIX, explain why.



~~V. PRIOR FEDERAL CHALLENGES~~

~~XX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXX Yes XXXXXXXXXX No~~

~~If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions:~~

~~XXX Name of court _____~~

GROUND FOR RELIEF - continued

SEVEN:

Ground ~~Four~~ Sixth Amendment violation: Denial of witnesses for defense.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)
 Compulsory process for having witnesses in one's favor is MEANINGLESS when the "judge" quashes the subpoenas. Prosecutor Gerol subpoenaed Karen Makoutz. I subpoenaed Makoutz for my defense. Gerol had my subpoena quashed by Williams. Gerol has the "right" to subpoena whoever he wants, but in the eyes of Williams and Gerol, I have no rights, thus violating the Sixth Amendment. This is a prime example that Gerol's suit was a malicious prosecution under color of law, and in fact, a persecution. Gerol subpoenaed Rhonda Gorden, who was the assistant to Dennis E. Kenealy at the time Kenealy feloniously "removed" my Answer from the court file to obtain a "default" judgment. Gorden replaced Kenealy in 2012 after I sued him. I subpoenaed Kenealy instead of Gorden, who Gerol deceitfully characterized as "Child Support Administrator" instead of "Corporation Counsel". My subpoena was quashed - another example of treachery by Williams and Gerol. I subpoenaed clerk of court Mary Lou Mueller to provide scanned copies of my exonerating and exculpatory affidavits, and to explain how they could have been removed from the court file, from behind locked doors, without her written permission, and, thereafter concealed from the court. But my subpoena was quashed, thus protecting both Gerol and embroiled and biased Williams. I subpoenaed Adam Yale Gerol to explain what was in his mind and what he was thinking when he decided to use a known void judgment and a known false "criminal complaint" to persecute me, a victim of the greatest theft of private property in the history of Ozaukee. But my subpoena of Gerol was quashed. I subpoenaed Sandy A. Williams to explain why she denied me an evidentiary hearing, denied me the ability to question Voigt, denied me assistance of counsel; and, why she entered a "Liar's Plea" for the "defendant"; and, why she refused to recuse herself after I had filed several criminal complaints against her, I had sued her in federal court for breach of fiduciary duty, and she was featured on the OzaukeeMob.org website as a corrupt attorney and judge. But --- my subpoena of her was quashed. See AMENDED Petition for Habeas Corpus, especially pages 27 - 29, and all exhibits thereto, incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~Four~~ explain why.

SEVEN

~~_____~~
~~_____~~
~~_____~~

~~WXX~~ PRIOR FEDERAL CHALLENGES

~~Axx~~ Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?

~~xxx~~ Yes ~~xxxxxxx~~ No

~~If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following question~~

~~xxx~~ Name of court _____

GROUND FOR RELIEF - continued

Eight:

Ground ~~FOUR~~ Fifth Amendment and Sixth Amendment violations: Obstruction of justice / denial of due process of law, Jury tampering, witness tampering, denial of witness for defense.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

Robert C. Braun Ordered Off Witness Stand While Testifying for the Defense. Arguably the most blatant and egregious violation of the Sixth Amendment secured Right to have witnesses in one's favor is that of witness Robert C. Braun, a "veteran" in the civil rights arena with decades of experience in examining court files. Braun examined the court file and filed his own affidavit stating that my TWICE filed "Criminal Complaint" exonerating me from any wrongdoing and charging attorneys Williams, Gerol and Kenealy with criminal acts were still missing. When Braun testified during the trial, I had asked him perhaps three questions when Williams, perceiving my defense which would exonerate me, **ORDERED** witness Braun off the witness stand. **Further witness tampering by WILLIAMS:** I subpoenaed accusing "star" witness Ronald Voigt, who failed/refused to testify for Gerol after I exposed his false testimony, but about the only thing he could remember was his name. When I asked him a question that he couldn't answer with "I don't remember" or "I can't recall", Williams coached him from the bench and he changed his mantra to "I can't answer that". See AMENDED Petition for Habeas Corpus, especially pages 29 & 30, and the exhibits thereto, especially Exhibit F, the Robert C. Braun affidavit, all incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~FOUR~~ EIGHT, explain why.

~~_____~~
~~_____~~
~~_____~~

~~XXXX PRIORITY FEDERAL CHALLENGES~~

~~AXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXX Yes XXXXXXXXXX No~~

~~If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions~~

~~XXXX Name of court _____~~

GROUND FOR RELIEF - continued

NINE:

Ground ~~Four~~ Confrontation clause violation: I have the Right to be confronted by my accuser(s), witnesses against me, but there were none.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

There was not one single witness who stated that he or she had a claim against me. There was not one single witness who claimed or alleged that I had injured him or her, or anyone else. There was not one single witness who claimed or alleged that I had caused any harm or damage to his or her property, or to the property of anyone else. In fact, the expert professional paid witness for prosecutor Adam Yale Gerol, attorney Cheri Hipenbecker of Knight Barry Title, Inc., testified that if she came across my Confirmation Deed in a title search, **SHE WOULD IGNORE IT**. Hipenbecker thus testified that there was NO injury or damage caused to any person or property. **But when I brought that to the attention of the "court" both verbally and by written Notice, it fell on blind eyes and deaf ears BECAUSE THE AGENDA OF SANDY A. WILLIAMS and ADAM YALE GEROL was RETALIATION against and censorship of a victim and witness of crime(s) - their own crimes and those of a fellow attorney.** My only "accuser" was Adam Y. Gerol, and my subpoena of him was quashed. Further, no officers, whether authorized or not authorized, of the public corporation named "STATE OF WISCONSIN" testified that I had a contract with said corporation and that I was in breach of any contract with said corporation. **THUS I WAS DENIED THE RIGHT TO FACE MY ACCUSER, because THERE WERE NONE.** Incorporated herein by reference is my AMENDED Petition for Habeas Corpus and all accompanying documents.

If you did not exhaust your state remedies on Ground ~~Four~~ **NINE**, explain why.

~~_____~~
~~_____~~
~~_____~~

~~V. PRIOR FEDERAL CHALLENGES~~

~~XXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?X~~

~~XXX Yes XXXXXXXXXXXX NoX~~

~~XXX Attach the decision(s) that resolved your prior federal court challenges and answer the following questionsX~~

~~XXX Name of court _____~~

GROUND FOR RELIEF - continued

TEN:

Ground ~~FOUR~~ **FRAUD UPON THE COURT** by "judge" Sandy A. Williams.

Fraud vitiates everything, even judgments.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

At the "arraignment" hearing, of which I did not receive notice, after denying my demand for assistance of counsel and the opportunity to question Ronald Voigt, and having a piece of paper called an "Information" shoved in front of me on the table, Williams looked at me and asked, "Then sir, what is your plea to the count in the Information?". **Having experienced the perfidy of Williams over the years, I responded for myself, the living man, exercising my inherent Right as well as duty to defend myself as a man.** I did not respond as, for, or on behalf of the "defendant" entity. I responded loud and clear so that even those in the back of the room could hear: **"Nonassumpsit, by way of Confession and Avoidance, Nonassumpsit, by way of Confession and Avoidance.** I repeat, Nonassumpsit, by way of Confession and Avoidance, and I demand you hear my plea immediately." Williams stated: "Based on the defendant's (sic) response the Court will take that as the defendant (sic) standing mute and enter a not guilty plea".

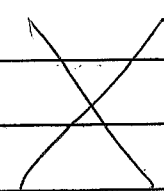
By entering a "not guilty" plea Williams thus **CREATED an ostensible CONTROVERSY, without which no court can act,** and perpetrated a **FRAUD** against me and **upon the court. Williams, by ignoring my plea for myself, the living man, and entering her own plea for the "defendant", an artificial entity, admitted that:**

(1) I was NOT the defendant, NOR was I acting in any way for or on behalf of the defendant, and,

(2) the Court had NO personal jurisdiction over me, Steven Alan Magritz, the living man.

See my AMENDED petition for Writ of Habeas corpus and the exhibits thereto, especially Exhibit K, Transcript of Arraignment, incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~FOUR~~ TEN, explain why.



~~XXXX PRIORITY FEDERAL CHALLENGES~~

~~XXXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXXX~~ ~~yes~~ ~~XXXXXX~~ ~~no~~

~~If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions:~~

~~XXXX Name of court~~

GROUND FOR RELIEF - continued

ELEVEN:

Ground ~~FOUR~~ **FRAUD UPON THE COURT** by prosecutor Adam Yale Gerol.

Fraud vitiates everything, even judgments. Gerol's several acts of FRAUD UPON THE COURT:

Supporting **FACTS** (Briefly summarize the facts without citing cases or law.)

Act no. 1: Gerol **KNEW**, either at the time he filed his **FALSE** "criminal complaint" or within several days, that his complaint was **FALSE**. Gerol filed his **FALSE** complaint on December 1, 2011. Within 2 weeks I reported to Governor Walker, et al. and filed with the court my criminal affidavit titled "12/09/2011 Report of Criminal Activity By Victim/Witness" ("The Report"). I filed "The Report" a second time on January 5, 2012. See Exhibit C. "The Report" was **TWICE** removed from the court file and thereafter concealed. The only statement of "fact" in Gerol's complaint, that "**there is no such thing as a Confirmation Deed**", was and is **FALSE**.

Act no. 2: Gerol continued to prosecute his **FALSE** complaint after admitting that it was **FALSE**, that he was causing me an injury, and that he had a duty to withdraw it. See Exhibit D. Doctrine of Estoppel by Silence.

Act no. 3: Gerol conspired with and "moved" Williams to prohibit me from introducing Exhibit C in my defense. This was concealment of exculpatory or exonerating evidence.

Act no. 4: Gerol conspired with Williams to prevent me from testifying, or even mentioning, that the "default judgment" obtained by their associate Dennis Kenealy, which was the foundational premise of Gerol's **FALSE** complaint, was obtained by **FRAUD UPON THE COURT**.

Act no 5: Gerol **suborned the following false testimony** at the preliminary hearing from Ronald Voigt: "**Confirmation deed is an unknown title for a document**". Both Gerol and Williams had known for four years that the statement was **FALSE**.

Incorporated herein by reference are my **AMENDED** petition for Writ of Habeas Corpus, especially pages 12 - 18, and, 21 & 22, and the exhibits thereto, especially B, C & D.

If you did not exhaust your state remedies on Ground ~~FOUR~~ **ELEVEN**, explain why.

~~XXXX~~

~~XXXX~~ **PRIOR FEDERAL CHALLENGES** ~~XXXX~~

~~XXXX~~ Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?

~~XXXX~~ **Yes** ~~XXXX~~ **No** ~~XXXX~~

~~XXXX~~ If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions:

~~XXXX~~ Name of court _____

GROUND FOR RELIEF - continued

TWELVE:

Ground ~~FOUR~~ Denial of due process: No notice of hearings. **Standby counsel for defendant, (NOT standby counsel for me, Steven Alan Magritz), DENIED preliminary hearing by "judge" Williams.**

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

1) I was physically forced into three hearings without any notice and without counsel. The first time I was placed in a wheelchair and taken before a video monitor before a man who identified himself as Paul V. Malloy, who set a "bond" for the "defendant". The woman seated next to me kept her hand on the microphone "kill" switch and kept killing the microphone when I was attempting to speak, thus preventing me from being heard. The second time I was restrained in a wheelchair, again without notice and without counsel, and taken before Sandy A. Williams for a surprise preliminary hearing. The third time was for an arraignment, discussed elsewhere herein.

At the preliminary hearing Williams stated that **she was going to appoint a standby counsel for the "defendant"**, which was NOT me, and that **she would reopen** the preliminary hearing if the standby counsel wanted it reopened.

2) Williams appointed Gary R. Schmaus as standby counsel for the defendant. **Schmaus wrote to Williams requesting that the preliminary hearing be reopened. WILLIAMS REFUSED TO REOPEN THE PRELIMINARY HEARING FOR THE**

ATTORNEY SHE HAD APPOINTED FOR THE DEFENDANT. THUS WILLIAMS EVIDENCED THAT she was NOT an impartial presiding officer at a trial, but rather an INDISPENSIBLE ANTAGONIST in the PERSECUTION OF, and RETALIATION AGAINST, an informant and victim and witness of crime.

See my AMENDED Petition for Habeas Corpus, esp. pages 19 - 23, and all exhibits thereto, incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~FOUR~~, explain why.
TWELVE

~~_____~~
~~_____~~
~~_____~~

~~XXX PRIOR FEDERAL CHALLENGES~~

~~XXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXX~~ ~~Yes~~ ~~XXXXXXXX~~ ~~No~~

~~If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions:~~

~~XXX Name of court~~

GROUND FOR RELIEF - continued

THIRTEEN:

Ground ~~Four~~ Denial of due process of law: Prevented from presenting a defense by "judge" Williams after the prosecutor "**Opened the Door**" in his Criminal Complaint.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

The entire foundation of Gerol's persecution was the allegation in his Criminal Complaint, to wit: "Complainant alleges that on or about October (sic) 2001, judgment was granted to the County of Ozaukee condemning and forfeiting the property owned by Steven A. Magritz ... Complainant alleges that said judgment and ownership of these premises has remained with Ozaukee County since that date."

The FACT is that Gerol's associate, attorney Kenealy, **illegally and unlawfully removed** my Answer and Counterclaim from the court file from behind the locked doors of the clerk of court, then **falsely represented to the court** that I had **not** filed an Answer, thus obtaining a "default" judgment resulting in the unlawful seizure of my property.

Both Gerol and Williams had known, or had reason to know, that **FACT since 2003** by way of **NUMEROUS UNREBUTTED AFFIDAVITS**, many of which were recorded in the office of the Register of Deeds.

Nevertheless, although Gerol had "**opened the door**" to challenging the fraudulently obtained void judgment in his "Criminal Complaint", Williams threatened and gagged me from challenging or even mentioning the fraudulently obtained judgment, AND MADE GOOD HER THREAT ON SEVERAL OCCASIONS by stopping the proceedings, clearing the courtroom, and re-threatening me. See my AMENDED petition for Writ of Habeas corpus, especially pages 7, 8, 15, 16, & 17, and the exhibits thereto, particularly Exhibit B, incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~Four~~, explain why.
THIRTEEN

~~_____~~
~~_____~~
~~_____~~

~~XXXX PRIORITY FEDERAL CHALLENGES~~

~~XXXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition? X~~

~~XXXX~~ ~~yes~~ ~~XXXX~~ ~~No~~

~~XXXX Yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions X~~

~~XXXX Name of court X~~

GROUND FOR RELIEF - continued

FOURTEEN:

Ground ~~Four~~ Fourth Amendment violation: Arrest without a warrant.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

I have never seen nor was I ever presented with a warrant for my arrest, nor do I believe a warrant for my arrest ever existed.

Further, during the entire course of my persecution, I never saw, nor was I ever presented with, any criminal complaint, information, witness list, or any other document from prosecutor Gerol, "judge" Williams, clerk of court Mueller, nor anyone else, bearing my name; nor do I believe any such document exists.

If you did not exhaust your state remedies on Ground ~~Four~~, explain why.
FOURTEEN

~~X~~

~~XXX PRIOR FEDERAL CHALLENGES~~

~~XXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXX~~ ~~yes~~ ~~XXXXXXXX~~ ~~no~~ ~~XXX~~

~~If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions:~~

~~XXX Name of court~~ _____

GROUND FOR RELIEF - continued

FIFTEEN:

Ground ~~Four~~ No mens rea: no crime. In order for there to be a crime, there must be a mens rea element, that is, a "guilty mind". The mens rea element must be proven. The jury must be instructed that a mens rea element exists.

The jury was NOT instructed regarding mens rea. Williams denied me a fair trial and prevented me from presenting a defense.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

The "charging statute does not have a mens rea element. The charging statute does not constitute a "crime" under either the state or federal constitutions without a mens rea element.

No mens rea was alleged in the "Criminal Complaint".

No mens rea was alleged in the "Information".

No mens rea was alleged by the prosecutor at any time during any of the "proceedings".

No mens rea was proven. No mens rea existed.

Williams gagged me from presenting the defense that I was acting in good faith and seeking redress of grievances.

I had submitted a list of proposed jury instructions. One of my proposed jury instructions was that a mens rea element of a crime had to exist. Another of my proposed jury instructions was that a mens rea element of a crime had to be proven. **NONE** of my proposed jury instructions were given to the jury by "judge" Williams.

Williams failed or refused to instruct the jury on the necessity of their finding of mens rea. I charge Williams with **intentional jury obstruction**. My AMENDED petition for Writ of Habeas corpus is incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~Four~~, explain why.
FIFTEEN

~~_____~~
~~_____~~
~~_____~~

~~XXX PRIOR FEDERAL CHALLENGES~~

~~XXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXX Yes XXXXXX XXX No~~

~~If yes, attach the decision(s) that resolved your prior federal court challenges and answer the following question:~~

~~XXX Name of court _____~~

GROUND FOR RELIEF - continued

SIXTEEN:

Ground ~~FOUR~~ The tribunal was in want of subject matter jurisdiction. No corpus delicti. A formal criminal complaint must establish, on its face, the fact of an injury, and, the existence of a criminal causation of that injury.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

Gerol's False "criminal complaint" did not confer subject matter jurisdiction upon the court. Merely citing a statute in a complaint does not confer subject matter jurisdiction. Gerol did not allege or claim any injury or damage to any person or thing. At no time during any of the proceedings, including but not limited to the preliminary hearing, the arraignment, or the ostensible "trial", did Gerol allege, claim, prove, or evidence any injury or damage to any person or thing. Further, since the plaintiff was an artificial entity, i.e., the public corporation named "STATE OF WISCONSIN", it had to allege, claim, and evidence the existence of a contact between itself and me, the living man, of which I might be in breach in order to confer subject matter jurisdiction. No contract or other nexus was alleged, claimed, evidenced, or proven. **FACT:** Gerol's key witness, paid expert attorney Cheri Hipenbecker, who Gerol brought in after his "star" witness, Ronald Voigt was exposed for giving the false statement Gerol used in his criminal complaint and for regurgitating the same at the preliminary hearing, testified that if she came across my Confirmation Deed in a title search, **SHE WOULD IGNORE IT, evidencing that there was in fact no injury or damage.** Therefore no cause of action, no subject matter jurisdiction. **BUT - the agenda of Williams and Gerol was censoring and RETALIATION.** See my AMENDED petition for Writ of Habeas corpus, especially pages 32 & 33, and all exhibits thereto, incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~FOUR~~ explain why.
SIXTEEN

~~XXXX~~

~~XXXX PRIORITY FEDERAL CHALLENGES~~

~~XXXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?X~~

~~XXXX~~ Yes ~~XXXX~~ No

~~XXXX If yes, attach the decision(s) that resolved your prior federal court challenges and answer the following question:XXXX~~

~~XXXX Name of court:XXXX~~

GROUND FOR RELIEF - continued

SEVENTEEN:

Ground ~~Four~~ The "charging" statute §943.60(1) is unconstitutional for any of the following:

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

The Statute lacks a mens rea element, or "guilty mind", therefore it is unconstitutional as a criminal statute, especially if it is applied against a beneficiary of the Public Trust created by the Constitution of the state of Wisconsin, 1848 A.D., such as I, Steven Alan Magritz. Intent to create an injury or do damage to property or do harm is an absolutely necessary element of a "crime".

The statute is subject to misapplication or abusive enforcement where no crime exists. The statute is so standardless that it authorizes or encourages seriously discriminatory enforcement, therefore it is unconstitutionally vague. It can be used, and was so used as a political act, an abusive exercise of power to punish or maliciously prosecute or persecute me, a man who persistently demanded the executive department of government "do its job" and prosecute an attorney for his criminal acts, and provide me, a victim of crime, redress of grievances.

The statute prohibits conduct protected by the Constitution. The statute as applied to me prohibits the exercise of my First Amendment secured Right to petition government for redress of grievances, as well as the secured Right to freedom of speech in matters of public concern. The statute violates the First and Fourteenth Amendments in that it is overbroad. A statute which is overbroad is facially invalid and has no force and effect upon any person or entity regardless of the specific circumstances. My AMENDED petition for Writ of Habeas corpus is incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~Four~~, explain why.
SEVENTEEN

~~XXXX~~

~~XXXX PRIORITY FEDERAL CHALLENGES~~

~~XXXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXXX Yes XXXXXXXX XXX No~~

~~XXXX If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions~~

~~XXXX Name of court _____~~

GROUND FOR RELIEF - continued

EIGHTEEN:

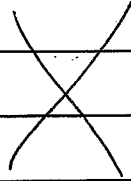
Ground ~~FOUR~~ The tribunal had NO personal jurisdiction at any time.

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

I was not the defendant, nor the surety, nor fiduciary, nor agent, nor representative, etc., for the defendant in Ozaukee County case no. 2011CF236, nor did I ever act for or on behalf of the defendant or any other artificial entity, nor did I ever consent to the proceedings. As a living man I have acted solely to protect my God-given rights, which is both my right and my sacred duty. I, Steven Alan Magritz, am a living man created in the image of God and an American National, one of the People, living on the soil of the land of my nativity, "the" state of Wisconsin, the public Trust established in 1848, one of the states of the Union of the united States of America, of which I am a beneficiary. I am neither a 14th Amendment U.S. citizen nor a resident of the bankrupt corporation named State of Wisconsin ("this" state) recognized in Wisconsin statutes 706.03(1)(b) as a subunit of "the" state, nor a bankrupt, nor a debtor, nor do I accept any disabilities or "benefits" associated with any of the aforesaid such as being forced to use legal tender. I have one, and only one name, which is Steven Alan Magritz. As a hostage and Third Party Intervenor I filed a claim for Remedy and Relief in case no. 2011CF236. See Exhibit J, incorporated herein by reference. I do not consent to be cast in a false light. No Complaint, Information, Witness List, Judgment of Conviction, etc., bore my name.

If the tribunal of the Corporation named "State of Wisconsin" had jurisdiction over me, Steven Alan Magritz, the living man, then why did Williams and Gerol resort to using the subterfuge of "charging" and prosecuting an artificial entity named STEVEN A MAGRITZ which they created by and through identity theft and transmogrification, when I, Steven Alan Magritz, signed and recorded the Confirmation Deed which Williams and Gerol claimed was a "crime"? See my AMENDED petition for Writ of Habeas corpus and the exhibits thereto, especially Exhibits A, E, and I, incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~FOUR~~ EIGHTEEN, explain why.



~~XXXX PRIORITY FEDERAL CHALLENGES~~

~~XXXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition? X~~

~~XXXX Yes XXXXXXX XXX No X~~

~~XXXX If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions X~~

~~XXXX Name of court X~~

GROUND FOR RELIEF - continued

NINETEEN:

Ground ~~Four~~ The Sentence violates the First and Eighth Amendments. The sentence violates my secured First Amendment Right to petition government for redress of grievances, and, inflicts unusual punishment which evidences the **COMMERCIAL NATURE** of the "court".

Supporting FACTS (Briefly summarize the facts without citing cases or law.)
The sentencing "court" (Williams) presumed the authority to prohibit "me" from filing suit for redress of grievances in either a federal or state court without the approval of an "agent" of the Corporation named "State of Wisconsin". This particular prohibition evidences the **malversation**, the malicious aspect of the persecution by Williams and Gerol, In their attempt to silence me, a victim and witness of crimes committed by public officers acting under color of law, from reporting those crimes, and, their contempt for both federal and state Constitutions.

The sentence is **cruel and unusual** in that: **(1)** it inflicts punishment for a non-crime, for an act misconstrued, even under the most onerous consideration, as malum prohibitum and not malum in se. There was no injury caused or alleged, no damaged property, and no harm or wrongdoing intended or even alleged; **(2)** it was imposed upon a beneficiary of the Public Trust, a living man not acting for or on behalf of the "defendant", and not imposed upon the defendant; and, **(3)** it presumes to have the authority to **force "me"**, a beneficiary of the Public Trust, **into a CONTRACT** against my will and without my consent, and impose attorney fees upon "me" for a stand-by counsel which I **did NOT ACCEPT**, thus impairing **my Right to NOT contract**.

See my AMENDED petition for Writ of Habeas corpus and the exhibits thereto, especially Exhibit H, JOC, incorporated herein by reference.

If you did not exhaust your state remedies on Ground ~~Four~~, explain why.

NINETEEN

~~_____~~
~~_____~~
~~_____~~

~~XXX PRIORITY FEDERAL CHALLENGES~~

~~XXX Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?~~

~~XXX~~ Yes ~~XXXXXXXXXX~~ No

~~If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions~~

~~XXX Name of court~~

GROUND FOR RELIEF - continued

TWENTY:

Ground ~~FOUR~~ **Innocent of any wrongdoing.**

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

I did not cause any injury to any man.

I did not cause any damage to any property.

I did not intend to cause any injury to anyone.

I did not intend to cause any damage to any property.

There was **NO** allegation, claim, or evidence that I caused any injury.

There was **NO** allegation, claim, or evidence that I damaged any property.

There was **NO** allegation, claim, or evidence that I intended to cause anyone any injury.

There was **NO** allegation, claim, or evidence that I intended to cause any damage to property.

If you did not exhaust your state remedies on Ground ~~FOUR~~ **TWENTY**, explain why.

~~X~~

V. PRIOR FEDERAL CHALLENGES

A. Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?

Yes No SEE item # III. A. 7. Above

If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions: NOT APPLICABLE. NO DECISION. PETITION VOLUNTARILY WITHDRAWN.

1. Name of court United States District Court Eastern District of Wisconsin (Milwaukee)

PRIOR FEDERAL CHALLENGES - continued

2. Docket or case number 16-CV-01694-LA
3. Date of filing 12/21/2016
4. Type of petition, application, or motion filed: Petition For Writ of Habeas Corpus Under 28 U.S.C sec. 2241.
5. Grounds raised All grounds raised in this petition.

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No NOT APPLICABLE. NO DECISION. PETITION VOLUNTARILY WITHDRAWN

7. Result Judge "construed" my sec. 2241 petition as under sec. 2254; I therefore voluntarily withdrew the petition.
8. Date: Withdrawal 4/18/2017 nunc pro tunc 12/21/2016. I had re-filed in state court of appeals in January, 2017.

9. Did you appeal the action taken on your first federal petition, application, or motion to a federal court of appeals?

Yes No NOT APPLICABLE. NO DECISION. PETITION VOLUNTARILY WITHDRAWN

If yes, attach the decision(s) that resolved your appeal and answer the following questions:

- a. Name of court _____
- b. Docket or case number _____
- c. Date of filing _____
- d. Type of petition, application, or motion filed _____
- e. Grounds raised _____

PRIOR FEDERAL CHALLENGES - continued

f. Result _____

g. Date _____

B. Did you file a petition for certiorari in the United States Supreme Court?

Yes No **NOT APPLICABLE. NO DECISION. PETITION VOLUNTARILY WITHDRAWN**

If yes, attach the decision(s) that resolved your petition for certiorari and answer the following questions:

1. Date of filing petition for certiorari _____

2. Grounds raised _____

3. Result _____

4. Date _____

VI. REPRESENTATION

A. Give the name and address of each attorney who represented you in the following:

1. At preliminary hearing NONE. Further, I received no notice of hearing, was bound hand and foot in a wheelchair, and summarily wheeled into a courtroom for a surprise hearing before "judge" Sandy A. Williams.

2. At arraignment and plea hearing NONE. I REPEATEDLY demanded assistance of counsel which "judge" Sandy A. Williams REPEATEDLY DENIED. See transcript, Exhibit K.

3. At trial NONE. "Judge" Sandy A. Williams had REPEATEDLY denied my demands for assistance of counsel.

4. At sentencing NONE. "Judge" Sandy A. Williams had REPEATEDLY denied my demands for assistance of counsel.

5. On direct appeal Not applicable.

REPRESENTATION - continued

6. In any state post-conviction proceeding NONE.

7. On appeal from any ruling against you in a state post-conviction proceeding NONE.
TAKE NOTICE: The "Writ of Error, generally, and Order for Remedy", and ALL accompanying Refusals for Fraud, Commissioners and judges [fraudulent] opining, documents, pages, sections, Amended Petition for Habeas Corpus, exhibits, etc., are incorporated herein by reference verbatim as if set forth at length herein.

VII. REQUEST FOR RELIEF

State exactly what you want the court to do for you.

- Adjudge that: 1) I, Steven Alan Magritz, by whatever "name" restrained, immediately be set at liberty; 2) Any and all restraints on my liberty by State of Wisconsin and/or Department of Corrections and/or any other department or agency of the public corporation named State of Wisconsin be declared null and void, and of no force and effect;
- 3) Ozaukee County Circuit Court had no personal jurisdiction over me in case no. 2011CF236;
- 4) Ozaukee County Circuit Court had no subject matter jurisdiction in case no. 2011CF236;
- 5) Sandy A. Williams infringed upon or violated my constitutionally secured rights; 6) Adam Yale Gerol infringed upon or violated my constitutionally secured rights; 7) Ozaukee County case no. 2011CF236 is VOID ab initio;
- 8) The record of conviction be expunged;
- 9) I be awarded compensation for 12,936 hours of false imprisonment;
- 10) Sandy A. Williams and Adam Yale Gerol are tortfeasors vis-a-vis me;
- 11) Any and all other additional and lawful or equitable remedy the Court has authority to provide.

VIII. DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, hereby declare under penalty of perjury ^{under the laws of the United States of America} ~~that the foregoing information is true and correct.~~ that the foregoing information is true and correct.

Signed this twenty-second day of March, 2018.

Steven Alan Magritz
Signature of Petitioner, Steven Alan Magritz

(Signature of lawyer, if any)

If you are signing the petition and are not the petitioner, state your relationship to the petitioner and explain why the petitioner is not signing this petition.

