Petition For Habeas Corpus Ad Subjiciendum
Pursuant to Article I, Section 8 of the Constitution of Wisconsin, 1848 A.D.

Steven Alan Magritz, Petitioner, restrained of liberty at Oregon Correctional Center, 5140 Highway M, Oregon, Wisconsin 53575

vs.

Quala Champagne, Respondent, doing business as warden, with mailing address of 3099 E. Washington Ave., P.O. Box 7969, Madison, Wisconsin 53707

To:
Court of Appeals, District II, STATE OF WISCONSIN, administrative agency

Take Notice:

1) Petitioner herein may be referred to as "Plaintiff" or "Complainant", or, the pronouns I, me, myself.
2) Petitioner filed no motion under Wis. Stat. § 974.06. The tribunal not only forfeited any jurisdiction it may have had, which Petitioner denies, but also acted so lawlessly that filing a motion therewith not only would have been futile but would have compounded the illegality.
3) This petition totals 163 pages, including this page and exhibits.

TOC-MS **Table of Contents – By Major Section**

TOC-SS-1 **Table of Contents – By Section and Subsection**

TOC-SS-2

TOC-SS-3

Parties

Plaintiff: I, Steven Alan Magritz, Plaintiff herein, held prisoner at Oregon Correctional Center, 5140 Highway M, Oregon, Wisconsin, am one of the people and a sojourner on the land of Wisconsin, a beneficiary of the Public Trust, a private American in inherent jurisdiction claiming inherent Rights, not franchised, not a United States citizen, not a resident of "State of Wisconsin", not in any military, not an insurgent, not in rebellion. Use herein of I, me, myself, Plaintiff, etc. refers to Steven Alan Magritz.

I was not the defendant in Ozaukee County, State of Wisconsin, case no. 2011CF236, nor was I the fiduciary, trustee, representative, agent, surety, accommodation party, or acting in any way for, or on behalf of, any artificial entity, including but not limited to the defendant. See Exhibit I, incorporated herein by reference as if set forth verbatim.

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 in its entirety.

Defendant: Defendant Quala Champagne is the "turnkey", the person under whom I am unlawfully held in custody. Defendant is doing business as warden.

Venue

The Wisconsin supreme court ("Wisconsin" = adjective) is the proper venue as the only apparent court constituted under the Constitution of 1848 A.D. which created the Public Trust of which I, Steven Alan Magritz, Plaintiff herein, am a beneficiary, and currently existing contemporaneously with the courts created in 1977, such as court of appeals, under the public corporation named "State of Wisconsin" acknowledged in 1971 in Wis. Stat. § 706.03(1)(b).

The hostility, prejudice and persecution of and by the state actors and officers of the Ozaukee County Circuit Court toward me evidence said actors and tribunal incapable of discharging their duties under the authority and limitations of the Constitution of the state of Wisconsin, 1848 A.D., or the Constitution of the United States of America, 1789 A.D. Said actors appear capable of acting solely under the umbrella of the corporation named "State of Wisconsin", a subunit of the Public Trust "the" state, and even when so acting do so in an ultra vires manner under color of law.

SYN-1 **Synopsis, page 1**

1. State actors Sandy A. Williams, d/b/a Ozaukee County Circuit Court Branch III ("judge"), and Adam Yale Gerol, d/b/a District Attorney (prosecutor), acted under color of law, without personal jurisdiction over Plaintiff , Steven Alan Magritz, and without subject matter jurisdiction, abridged, infringed upon, denied, or violated Plaintiff's Constitutionally secured Rights and laws of the United States and the state of Wisconsin, including but not limited to the secured Right to petition government for redress of grievances, and falsely imprisoned Plaintiff.
2. In their zeal to conceal their nonfeasance of failure to prosecute fellow attorney and business associate Dennis E. Kenealy, Williams and Gerol corruptly used their positions of Public Trust to violate Plaintiff's Constitutionally secured Rights.
3. Williams and Gerol attempted to convert, and by falsely imprisoning Plaintiff did convert, Plaintiff's secured Right to petition government for redress of grievances into a crime.
4. Both Williams and Gerol, being highly trained in the law, have known for years, for over a decade, that Plaintiff had been aggrieved by the criminal acts of Ozaukee County corporation counsel Dennis E. Kenealy and had been petitioning government for redress of grievances. Their foreknowledge, and their abuse of the judicial process and police power of the state, make their persecution of Plaintiff even the more egregious.
5. As set forth herein, besides being denied assistance of counsel, Plaintiff was gagged, threatened, and prevented from talking about, testifying, presenting exhibits, questioning witnesses, or having witnesses in his favor, regarding being aggrieved; petitioning for redress of grievances; the exculpatory and evidentiary documents "removed" from the case file from behind the locked doors of the court and thereafter concealed; and in general, from presenting a defense.
6. Plaintiff was prevented by Williams and Gerol from evidencing that he had intended no wrong, that he had done no wrong, and that he was innocent of any wrongdoing.
7. Ozaukee County corporation counsel Dennis E. Kenealy orchestrated the single greatest theft of private property in the history of Ozaukee, the theft of the life work of two generations, that of Plaintiff Steven Alan Magritz, and Plaintiff's parents. By Kenealy's ultra vires acts and fraud upon the court Plaintiff's federally protected private property was taken for public use as a county park without compensation.
8. Since the time of the theft, Kenealy's associates, state's attorneys Sandy A. Williams and Adam Y. Gerol, have acted in concert to obstruct and abridge Plaintiff's secured First Amendment Right to petition government for redress of grievances, and, to shield Kenealy from punishment for his crimes.
9. Attorney Kenealy perpetrated "fraud upon the court" by removing and concealing Plaintiff's Answer and Counterclaim from the court file, thereby enabling Kenealy to obtain a "default" judgment, which by virtue of the fraud upon the court was void ab initio. Both Williams and Gerol have been obsessed with concealing the void judgment.
10. Plaintiff's private property was thus taken for use as a public park without compensation, in violation of both federal and state Constitutions which prohibit:
    A) The taking of property for public use without compensation, and
    B) The impairment of the obligation of contracts (Land Patents are executed contracts).
11. Since the taking, state's attorneys Williams and Gerol have continually aided Kenealy and obstructed Plaintiff's Right to petition for redress of grievances. Williams and Gerol have taken

the abuse of the police power of the state to new lows by falsely imprisoning Plaintiff under color of law in violation of the Constitution and laws of the United States.

12. The tribunal governed by Williams and Gerol imprisoned Plaintiff without personal jurisdiction and without subject matter jurisdiction.
13. Plaintiff is a beneficiary of the Public Trusts created by the Constitution of the united States of America, 1789 A.D., and the Constitution of the state of Wisconsin, 1848 A.D. Plaintiff claims, and has never knowingly or voluntarily waived any of his inherent rights as secured by the state Constitution or as secured by the federal Constitution as purviewed through the Fourteenth Amendment as applicable to the states.
14. I, Steven Alan Magritz, Plaintiff herein, have at all times maintained my innocence. I have claimed and exercised my Right to defend my natural person in a corporate jurisdiction foreign to common law, against my will, into which I was taken by force and held hostage to "answer" to contrived "charges" against a presumed artificial entity.
15. At no time did I consent to the proceedings of the tribunal in Ozaukee County "case no. 2011CF236". Nor was I the "defendant" in said "case", nor did I act in any manner whatsoever for on behalf of said "defendant".

INT-1 **Introduction, page 1**

16. Plaintiff, Steven Alan Magritz, a natural person, is falsely imprisoned under color of law, by reason of political corruption, in violation of the Constitution and laws of the United States and in violation of the Constitution and laws of the state of Wisconsin, established 1848 A.D. Plaintiff was imprisoned by a tribunal in want of both personal jurisdiction and subject matter jurisdiction. Plaintiff challenges the lawfulness or legality of the underlying conviction, the lawfulness or legality of the procedures that produced the conviction, as well as the type of sentence imposed by the tribunal.
17. Plaintiff's constitutionally secured inherent Rights were violated by the public corporation tribunal named Ozaukee County Circuit Court Branch III, d/b/a Sandy A. Williams, under whose usurped authority and ultra vires acts Plaintiff was arrested and subsequently imprisoned under a fictitious name of an artificial entity or ascribed or imputed "legal name" as a pretense to assert personal jurisdiction over Plaintiff.
18. The prevailing local spirit in the county named Ozaukee, erected in 1853 A.D., evidenced by the public officers of the public corporation named Ozaukee County, especially by public officers / attorneys named Sandy A. Williams and Adam Yale Gerol, doing business as judge and district attorney respectively, is to continue the cover-up of the single greatest theft of private property in the history of the county. Plaintiff's private property was taken for public use without compensation through the artifice of removal and concealment of Plaintiff's Answer and Counterclaim from the court file enabling obtainment of an alleged "default" judgment by Ozaukee County corporation counsel Dennis E. Kenealy in 2001 A.D. These facts have been known to both Williams and Gerol for over a decade.
19. It would be futile for Plaintiff to seek remedy by motion to the tribunal that lacked jurisdiction in the first instance and that ordered Plaintiff's false imprisonment. In 2011 Plaintiff filed a "criminal complaint" titled "12/09/2011 Report of Criminal Activity By Victim/Witness" with Governor Scott Walker, Attorney General J.B. Van Hollen, other ranking state officers, various judges and the Clerk of Court of Ozaukee / Ozaukee County, and others, setting forth the removal and concealment of Plaintiff's Answer and Counterclaim to obtain a VOID, supposed "default" judgment by Kenealy, and the misconduct in public office and criminal acts of Sandy A. Williams and Adam Y. Gerol, including but not limited to misprision of felony and retaliation against a victim and witness of crime.
20. Plaintiff's "12/09/2011 Report of Criminal Activity By Victim/Witness" (Affidavit) was TWICE filed by Plaintiff into the proceedings by which Plaintiff is now imprisoned, first on December 12, 2011 and again on January 5, 2012. BOTH filings of the affidavit were "removed" from the court file and thereafter concealed by unknown named persons with access to the files behind the locked doors of the office of the clerk of court.
21. Plaintiff's twice "removed" Affidavit evidenced that the only stated "fact" in Gerol's Criminal Complaint was in fact not true, but was a false statement made by Register of Deeds Ronald A. Voigt which Gerol knew or should have known or had reason to know was false.
22. Plaintiff's twice removed Affidavit further evidenced that the tribunal was in want of both personal jurisdiction over plaintiff and subject matter jurisdiction. The only persons known to Plaintiff with both motive and opportunity to remove and conceal Plaintiff's Affidavit TWICE from behind the clerk's locked doors are Sandy A. Williams and Adam Y. Gerol.
23. At the "trial" in 2016 resulting in Plaintiff's imprisonment, Plaintiff was harangued, threatened and gagged by presiding officer Sandy A. Williams not to even mention the issue of

Kenealy's void judgment, notwithstanding the fact that a void judgment can be challenged at any time in any proceedings, and the fact that the very existence of the void judgment was the foundation or basis of Gerol's entire case. Further, Gerol had "opened the door" to challenge the void judgment right at the beginning of his action by alleging its existence and effect in the Criminal Complaint. See Exhibit B incorporated herein by reference.

24. Plaintiff was prevented from introducing as an exhibit a court certified copy of his TWICE "removed" Affidavit (12/09/2011 Report of Criminal Activity), and was prevented from testifying as to the contents or substance of the Affidavit.
25. Plaintiff had a witness who had examined the court filed, filed his own affidavit of findings, and re-filed Plaintiff's TWICE "removed" Affidavit.
26. Plaintiff's witness, Robert C. Braun, who could testify to Plaintiff's TWICE "removed" Affidavit being "missing" from the court file, was STOPPED at the beginning of his testimony by Williams and ordered off the witness stand. Williams thus prevented Braun from testifying.
27. Plaintiff charges Williams with Constitutional violations of witness tampering, jury tampering, preventing Plaintiff from presenting a defense and denial of due process. The affidavit of Robert Braun accompanies this suit as Exhibit F, and is incorporated herein by reference in its entirety, as is Plaintiff's TWICE "removed" 12/09/2011 Criminal Report, Exhibit C, incorporated herein by reference in its entirety.
28. In 2012 Plaintiff named both Williams and Gerol as defendants in a federal lawsuit, subsequently "transferred" and then dismissed for lack of jurisdiction, for breach of fiduciary duty for misprision of felony, abuse of legal process, malicious prosecution, and retaliation against a victim and witness of crime.
29. In 2013 Williams and Gerol were featured on the OzaukeeMob.org website for which both Williams and Gerol indicated their contempt verbally, facially and with hand gestures during the February 11, 2016 sentencing hearing subsequent to which Plaintiff was imprisoned. Further, as will be shown herein, Plaintiff was persecuted under the guise of a prosecution, from which no remedy will lie from the sentencing court.
30. At no time did Plaintiff consent to the proceedings which resulted in his imprisonment, nor did Plaintiff waive any of his Rights. Plaintiff repeatedly, both verbally and in writing, maintained his innocence and his third party, beneficiary of the Public Trust, non-consent status, under the protection of the federal Constitution of 1789 A.D. and the Constitution of the state of Wisconsin which created our Public Trust in 1848 A.D.

31. The Bottom Line is this:
32. The tribunal was in want of personal jurisdiction as well as subject matter jurisdiction; there was no corpus delicti; no mens rea; no injury; no damage; no injury or damage alleged or intended; **NO CONTROVERSY**,
33. **BUT**, --- by Williams refusing to hear my plea of "Nonassumpsit by Way of Confession and Avoidance" and entering **HER OWN plea of "Not Guilty"** over my objection, **Williams Fraudulently Created an Ostensible Controversy**, without which no court can act.

BKG-1 **Background, page 1**

34. On September 14, 1990, Plaintiff's mother, Betty Jane Magritz, executed two deeds for the sale of the family homestead to Plaintiff. One deed was for the satisfaction of a land contract for an undivided one-half interest in the property which Plaintiff purchased following the death of Plaintiff's father in 1976. The second deed was for the outright purchase of the remaining one-half interest.
35. Plaintiff's homestead consisted of a large, unique ranch house, several outbuildings, and sixty-two and one-quarter (62 ¼) acres of land with approximately 1600 feet of frontage on the Milwaukee River described by an Ozaukee official as some of the most valuable nature area in southeast Wisconsin.
36. Plaintiff's research revealed his property had been granted by the United States of America via two Land Patents pursuant to the Land Act of April 24, 1820. These Land Patents, which are executed contracts which Article I Section 10 Clause 1 of the federal Constitution prohibits the states from impairing the obligation of, were granted in 1837 and 1840 prior to Wisconsin entering the Union of states in 1848 A.D.
37. The intent of Congress in enacting the Land Act of April 24, 1820 was set forth in "The Debates and Proceedings in the Congress of the United States", March 6, 1820, wherein Senator King "argued at some length, that it was calculated to plant in the new country a population of independent, unembarrassed freeholders; that by offering the lands in eighty-acre lots, it would place in the power of almost every man to purchase a freehold …"
38. Plaintiff's private land (property) is a subset of the aforesaid two Land Patents wherein the purchasers obtained a freehold with all of the privileges and immunities that were being held in trust for them by the United States of America.
39. The Land Patents state, in pertinent part, "That the United States of America … DO GIVE AND GRANT … TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said [Grantee] and to his heirs and assigns **forever**."
40. One of the aforesaid immunities granted forever is the immunity from taxation.
41. One of the aforesaid rights granted forever is the exclusive right of disposition.
42. In 1994 Plaintiff gave public notice of claim to the aforesaid rights, privileges, immunities and appurtenances pursuant to the pronouncement by the United States Supreme Court that: "All who claim under a patent are entitled to the same rights as the patentee."
43. On October 20, 1994 Plaintiff recorded in the office of the Register of Deeds document number 528822, a "Declaration Of, And Claim of Rights In And To Land Patents" wherein Plaintiff claimed said rights as assignee. No person, natural or otherwise, ever challenged Plaintiff's Claim of Rights under said Land Patents.
44. On December 31, 1996 the contract acknowledging a property tax liability that Plaintiff's parents had with the public corporation named "State of Wisconsin" expired. Plaintiff had honored said contract from September 14, 1990 until it expired. Plaintiff did not renew said contract.
45. On April 29, 1997 Plaintiff recorded in the office of the Register of Deeds of the county named Ozaukee document number 576044, an "Affidavit of Notice and Claim" and a "Claim To Private Land Rights" with certified copies of the referenced patents of which Plaintiff's land (property) is a subset. No person, natural or otherwise, ever challenged Plaintiff's Claim of Rights under said Land Patents.

BKG-2

46. On July 3, 10, 17, 1997, Plaintiff had published in the Ozaukee Press, the official newspaper for public notices of the county named Ozaukee, a Notice of Plaintiff's Claim To Private Land Rights previously recorded in Deeds on April 29, 1997, and noticed the world that any challenge to Plaintiff's claim must be made within 90 days. No person, natural or otherwise, ever challenged Plaintiff's claim of rights under said Land Patents.
47. During the years 1998 through 2001 Plaintiff repeatedly noticed public officers of the county, most notably the treasurer named Karen L. Makoutz, that Plaintiff's property was private and was immune from taxation by virtue of the immunity granted by the United States of America as recognized in the aforesaid Land Patents.
48. In February 2001 Dennis E. Kenealy, corporation counsel for the public corporation named Ozaukee County, instituted an alleged "tax certificate" foreclosure action against Plaintiff's private property.
49. Kenealy instituted the aforesaid "foreclosure" action without the required authorization from the county Board of Supervisors.
50. Kenealy instituted the "foreclosure" action based upon an alleged, but non-existent, tax certificate.
51. Plaintiff demanded, in a face-to-face confrontation with treasurer Makoutz, a certified copy of the alleged "tax certificate". Makoutz admitted to Plaintiff that the alleged "tax certificate" did not exist, therefore she could not provide Plaintiff a copy.
52. Under the threat of a "foreclosure" action, on or about April 23, 2001 Plaintiff paid in full via U.S. certified mail, as extortion, the $22,634.97 demanded by treasurer Makoutz and the public corporation named Ozaukee County. When Plaintiff did not receive a receipt by return mail, Plaintiff again face-to-face confronted Makoutz, who stated that everything she gets from Plaintiff she "gives" (sic) to corporation counsel Dennis E. Kenealy.
53. Plaintiff subsequently reported the conversion of Plaintiff's payment to the district attorney, who failed to investigate and prosecute.
54. Plaintiff then prepared an Answer and Counterclaim to Kenealy's "foreclosure" action, setting forth two absolute defense, which were that:
    - Plaintiff had paid the "taxes", and,
    - Plaintiff's private property was immune from taxation by virtue of the immunity granted by the United States of America as evidenced by the Land Patents.
55. On May 31, 2001 Plaintiff timely filed a Verified Answer and Counterclaim with the Ozaukee County Circuit Court by way of Registered United States mail rr 101 861 035 U.S. and served the Answer and Counterclaim on county treasurer Makoutz by way of certified United States mail 7000 0520 0015 4077 0321, as evidenced by the mailing receipts and the signed "green cards".
56. Plaintiff's Answer and Counterclaim was properly time and date stamped by the clerk of court. However, the court record sheet did not evidence the receipt of the Answer and Counterclaim, which was "removed" from the court file apparently the same day it was received. Dennis E. Kenealy subsequently admitted to investigative reporter Gene Forte that he had Plaintiff's "removed" Answer and Counterclaim in his office. Plaintiff's "removed" Answer and Counterclaim was mysteriously "missing" from the court file until Plaintiff initiated an investigation in December, 2001.

BKG-3

57. On or about August 8, 2001 in a "foreclosure" hearing before judge Joseph D. McCormack, Dennis E. Kenealy, while in possession of both Plaintiff's extorted "tax" payment as well as Plaintiff's Answer and Counterclaim which had been **"removed"** from the court file, falsely represented to McCormack that Plaintiff had not paid the tax and had not filed an answer to the complaint, and, submitted to McCormack for signing an Order and "default" Judgment with those false representations.
58. On or about August 10, 2001 Dennis E. Kenealy recorded with the office of the Register of Deeds the aforesaid fraudulently obtained Order and "default" Judgment with the false representations.
59. On or about September 24, 2001 Plaintiff filed a Claim against Ozaukee County which included a report of Kenealy's criminal activity. The Claim was served on county clerk Harold Dobberpuhl by Sheriff's deputy G.L. Speth. Dobberpuhl had a duty to present Plaintiff's Claim to the county Board of Supervisors, but never did so. Dennis E. Kenealy had a duty to render an opinion to the county Board on Plaintiff's Claim, but never did so. Years later, on November 5, 2007 in a hearing before judge Andrew T. Gonring, Kenealy agreed that he had removed and concealed Plaintiff's Claim.
60. On or about October 24, 2001 Plaintiff was forcibly disseised of his private property which Plaintiff had purchased on September 14, 1990. Based upon Kenealy's fraudulently obtained "default" Judgment, Maurice A. Straub, d/b/a sheriff of Ozaukee County, with two (2) dozen armed men (S.W.A.T.), broke into Plaintiff's private home, threatened Plaintiff and his wife with death, forced Plaintiff from his home and locked Plaintiff and his wife in the Ozaukee County jail, all acts perpetrated without a warrant and without a legal or lawful order from a court and without any breach of the peace by Plaintiff.
61. Plaintiff's private property valued at over $700,000.00 at the time and protected by federal Land Patents, was seized by and for the public corporation named Ozaukee County, and thereafter designated a county park.
62. Plaintiff was never paid a dime for his seized property, in violation of both federal and state Constitutions which mandate that property may NOT be taken for public use without just compensation.

Plaintiff Became Aggrieved.

63. Plaintiff became aggrieved, and has since that time sought redress for his grievances as an unalienable Right guaranteed by the First Amendment to the federal Constitution.

64. On or about December 11, 2011 Plaintiff with three witnesses confronted clerk of court Jeffrey S. Schmidt to determine how Kenealy could have obtained a "default" Judgment and why Plaintiff's Answer and Counterclaim was not in the court file and why its receipt on May 31, 2001 was not recorded on the court record sheet.
65. Wisconsin law provides that removal of documents from a court file is a felony. Further, Wisconsin law requires written authorization by the clerk of court for the temporary removal of any documents from the custody of the clerk, and, the person receiving the file from the clerk is required to sign a receipt for the document. There was NO written authorization in the court file

for removal of Plaintiff's Answer and Counterclaim, nor was there any receipt in the file given by the person who removed the file.

66. When Plaintiff confronted Schmidt with the Postal Service "green card" evidencing receipt by the clerk of court of Plaintiff's Answer, Schmidt immediately reached down, grabbed a phone, called Kenealy and stated, "Dennis, Steve Magritz is here looking for the Answer to the Summons and Complaint on the foreclosure. Would you look for it in your office?" Then Schmidt dashed off, refusing to answer any more questions.

67. After Plaintiff's December 11, 2001 confrontation with clerk Schmidt, Plaintiff's Verified Answer and Counterclaim, which had been "missing" from the office of the clerk of court and from the court file for over six (6) months, and which Kenealy possessed and concealed from judge McCormack, and by which artifice Kenealy had fraudulently obtained a "default" judgment, mysteriously "reappeared" in the court file without any explanation whatsoever, as evidenced by subsequently obtained certified copies of the court record sheet and the time and date stamped envelope as well as the time and date stamped Answer and Counterclaim.

68. In 2002, Dennis E. Kenealy, while on the witness stand in the case resulting in Plaintiff's prior imprisonment, admitted that he had taken Plaintiff's Answer and Counterclaim from the court file. Also in 2002, Kenealy admitted to investigative reporter Gene Forte, in a recorded conversation posted on www.OzaukeeMob.org, that he had had Plaintiff's Answer and Counterclaim from the court file in his office.

69. On November 5, 2007 Plaintiff gave sworn testimony in front of judge Andrew T. Gonring of Kenealy's crimes, including but not limited to Kenealy's removal from the court file and subsequent concealment of Plaintiff's Answer and Counterclaim. Kenealy and Karen L. Makoutz sat at the table next to Plaintiff. Kenealy had a duty to respond to protect himself by denying or rebutting Plaintiff's sworn testimony, but Kenealy remained silent and said not a word, thereby admitting to and agreeing with Plaintiff's sworn testimony, and accusations against him. The transcript of the hearing is posted on the website www.OzaukeeMob.org.

70. On or about October 20, 2003 Plaintiff filed a "criminal complaint" titled "Affidavit of Criminal Report and Probable Cause By Witness and Victim of Criminal Activity" with the Ozaukee County district attorney named Sandy A. Williams. Williams wrote Plaintiff stating that she was NOT going to prosecute Kenealy for Kenealy's criminal acts. This is the same Williams Plaintiff charged with misprision of felony and sued in federal court for breach of fiduciary duty and by whose hand Plaintiff is presently imprisoned. Adam Yale Gerol was Williams' assistant district attorney in 2003.

71. On or about July 13, 2011 Plaintiff filed a "Report of Criminal Activity By Victim/ Witness" with Maurice A. Straub, d/b/a Ozaukee County sheriff, and also with Adam Y. Gerol, d/b/a district attorney. Straub refused to investigate Kenealy's acts and Gerol refused to prosecute Kenealy.

72. On or about August 1, 2011 following the refusals of Staub and Gerol to investigate or prosecute Kenealy, Plaintiff filed with the Ozaukee County Circuit Court a "Verified Motion For A Determination of Probable Cause" for a determination if Plaintiff's Affidavit ("criminal complaint") titled "Report of Criminal Activity By Victim/Witness" was legally sufficient such that it stated probable cause sufficient to either arrest or charge Dennis E. Kenealy. Plaintiff's

Motion was assigned case no. 2011JD0001. Plaintiff's Motion was "assigned" to Sandy A. Williams.

73. Sandy A. Williams, now an Ozaukee County Circuit Court judge, had refused to prosecute Kenealy in 2003 when she was district attorney. **In the Report of Criminal Activity Plaintiff charged Sandy A. Williams with misprision of felony**. Williams failed or refused to recuse herself based on personal interest or bias or prejudice. **Thus Williams judged her own cause**.
74. Williams issued a ""Decision and Order" stating: "the court has determined that it is not necessary to convene a hearing to determine whether a crime has been committed." Williams thus side-stepped Plaintiff's question of whether or not Plaintiff's "Report of Criminal Activity By Victim/Witness" was properly worded. Williams thereby covered for her earlier malversation in 2003 when she was district attorney.
75. Williams' artifice was dolus and was returned to her as such, which return Williams noted with disdain at the February 11, 2016 sentencing hearing, exhibiting her prejudice against Plaintiff and lack of judicial temperament.

First Amendment Guaranteed Right to Petition Government For Redress of Grievances.

76. Plaintiff's guaranteed First Amendment Right to petition government for redress of grievances having been blocked by both district attorney Gerol and then by Circuit Court judge Williams, on or about August 16, 2011 Plaintiff began a process to give the public officers of the county the opportunity to correct the past unlawful acts committed against Plaintiff, most notably by corporation counsel Dennis E. Kenealy. Plaintiff caused to be mailed via a notary public to thirty-seven public officers a "Notice: To Exhaust Administrative Remedies and for Other Purposes."
77. Plaintiff's "Notice" to the public officers, in the form of an affidavit of the crimes committed against Plaintiff by their employee, corporation counsel Dennis E. Kenealy, and the duty of the elected public officers to redress Plaintiff's grievances, was mailed by way of a notary public, followed by a "Notice of Fault and Opportunity To Cure" on September 21, 2011, then followed by an "Affidavit of Default" on October 13, 2011. All mailings were made by the notary and any response was to be sent to the notary.
78. Along with Plaintiff's "Affidavit of Default" the notary made a formal presentment and request to respond to him personally. On October 28, 2011 having received no response from any of the public officers, the notary public extended a three day grace period to them. See Exhibit D, pages 12 & 13.
79. On November 28, 2011 the notary, not having received a response to his three (3) day grace period nor at any time after the expiration thereof, provided Plaintiff with an Affidavit of non-response and mailed a Notice and a copy of his Affidavit to each of the thirty-seven public officers.
80. On November 15, 2011 as a further step in exercising his secured First Amendment Right to petition government for Redress of Grievances, and prior to Plaintiff filing suit in federal court in 2012, Plaintiff recorded a correction deed in the office of the Register of Deeds. There were mistakes in the two deeds from Plaintiff's September 14, 1990 purchase from his mother of the family homestead that needed correction. The correction deed was titled "Confirmation Deed"

because it not only bore the signature of the Grantor/Seller, it also bore the signature of Plaintiff, the Grantee/Purchaser, to confirm the correction of the earlier mistakes. This Confirmation Deed was Exhibit A, Plaintiff's very first exhibit in his 2012 federal lawsuit against Williams and Gerol. See Exhibit A incorporated herein by reference.

81. It is the act of recording the "Confirmation Deed", Plaintiff exercising his right and duty to correct the public record and exercising his secured Right to petition government for Redress of Grievances, that state's attorneys Williams (d/b/a judge) and Gerol (d/b/a D.A.) have attempted to convert into a crime in order to imprison Plaintiff, block Plaintiff's remedy, and continue to silence Plaintiff and cover-up the single greatest theft of private property in the history of the county by the name and title of Ozaukee.

December 1, 2011:
Two Attorneys Attempt To Convert A Secured First Amendment Right Into A Crime

82. On December 1, 2011 two attorneys, Ozaukee County corporation counsel Dennis E. Kenealy and Ozaukee County District Attorney Adam Y. Gerol each filed separate actions in Ozaukee County Circuit Court infringing upon Plaintiff's secured First Amendment Right to petition government for Redress of Grievances. Kenealy filed a "civil" action for an injunction and Gerol filed a "Criminal Complaint" which resulted in Plaintiff's present false imprisonment.

83. Dennis E. Kenealy, against whom Plaintiff had filed several "criminal complaints" titled "Reports of Criminal Activity" to avoid the ire of certain state prosecutors who have claimed a monopoly on the use of the term "criminal complaint", filed for an injunction to prevent Plaintiff and notary public Kenneth A. Kraucunas from contacting county officers. As stated above, Kenealy's criminal acts had been reported to county officers in the Administrative Process initiated on August 16, 2011. Kenealy, the corporation counsel and a county employee, not an elected officer, acted as the complaining party for the public corporation named Ozaukee County and his assistant Rhonda Gorden acted as prosecuting attorney. No elected county officer was a complainant or informant or was named in any capacity whatsoever.

84. Plaintiff contacted County Clerk Winkelhorst who informed Plaintiff that there was no record of Kenealy having been authorized by the county to institute the suit for an injunction.

85. Plaintiff charges Kenealy and Gorden with filing a legal action without authorization from their employer, the public corporation named Ozaukee County; abridging, impeding, or infringing upon Plaintiff's secured Right to petition government for Redress of Grievances; abuse of legal process; retaliation against a victim or witness of crime; and misconduct in public office. Both Kenealy and Gorden were named in Plaintiff's 2012 federal suit for breach of fiduciary duty.

86. Also on December 1, 2011 Adam Y. Gerol, d/b/a district attorney, filed a Criminal Complaint which resulted in Plaintiff's false arrest without a warrant and present unlawful imprisonment. See Exhibit B incorporated herein by reference. Plaintiff was not named in the Criminal Complaint. As previously stated herein, Plaintiff had filed a "criminal complaint" titled

BKG-7

"Report of Criminal Activity By Victim/Witness" against attorney Dennis E. Kenealy and former district attorney Sandy A. Williams, now a circuit court judge, on July 13, 2011. On October 28, 2011 Plaintiff updated the Report of Criminal Activity with the addition of paragraphs 13 and 14 and filed it with the sheriff, Gerol, and the Ozaukee County Circuit Court in case number 2011JD0001.

87. Gerol filed his Criminal Complaint against a presumed artificial entity with a "name" apparently derived by identity theft and transmogrification or other deceitful fabrication for the apparent purpose of assuming, or presuming or claiming the jurisdiction of the "Circuit Court" of the public corporation named "State of Wisconsin" over Plaintiff.
88. Plaintiff has one, and only one, name, which is Steven Alan Magritz. Gerol's defendant is STEVEN A MAGRITZ, which is NOT this Plaintiff and for which this Plaintiff does NOT act. See Exhibit E incorporated herein by reference.
89. "State of Wisconsin" is a public corporation and a subunit or agency of the Public Trust named Wisconsin erected in 1848 when the Territory of Wisconsin entered the Union of states upon the adoption of the state Constitution and its acceptance by Congress. "State of Wisconsin" was acknowledged in 1971 as "this" state, a subunit of "the" state, in Wis. Stat. § 706.03(1)(b), created by "the" state for political purposes to administer **its own** affairs.
90. At no time before, during or after the proceedings instituted by Gerol did Plaintiff see his name on a complaint, warrant, information, docket sheet, court record sheet, transcript, judgment of conviction, witness list, or any other document created by or generated by Gerol or "State of Wisconsin".

91. Plaintiff has at all times maintained his status as a beneficiary of the Public Trust created by the people of Wisconsin in 1848 A.D. Plaintiff has always reserved all of his inherent Rights, waived no Rights, and has never consented, assented, or accepted any of the proceedings or orders or judgments, etc. emanating from or associated with the "action" or "suit" instituted by Gerol on December 1, 2011.
92. As evidenced by the accompanying Exhibit E, Plaintiff has no nexus to the public corporation named "State of Wisconsin" or to the "defendant" named in Gerol's "action". Since Plaintiff was falsely arrested and taken hostage under color of law by state actors, Plaintiff, by necessity, attempted to defend and protect his natural person and never acted for or on behalf of the defendant in any capacity whatsoever. Exhibit E is incorporated herein by reference in its entirety.

AR-1 **10/15/2015 "Arraignment": No Notice; Denied Assistance of Counsel; Biased and Embroiled Williams' enters "Liar's Plea"; Denied Due Process**

No Notice of Hearing.

93. On October 15, 2015 Plaintiff was shackled hand and foot, and without Notice was taken in front of Williams again. The court record of events indicates an entry on October 6, 2015 of "Notice of hearing", and, "information." Presumably if notice was mailed, it was sent to a "last known address" like as for the preliminary hearing. Neither Gerol nor the clerk of court provided Plaintiff with the "Information".

94. I, Steven Alan Magritz, Plaintiff herein, am denied due process when public officers fail to act with honesty, integrity and good faith in matters where my beneficial interests, such as my right to liberty, are threatened. Tampering with the transcript of the court proceedings is but one example of denying me due process.

Tampering With the Transcript.

95. I do not have a speech impediment. I am not inarticulate. I do not have a problem with enunciation. I do not have a problem with pronunciation. I attempt not to use vocabulary that would be outside the expected realm of knowledge of the least experienced court reporter.
96. The transcript of the "arraignment" hearing on October 15, 2015 is perhaps the most inaccurate "representation" of what was said of any transcript I have ever read. The master audio of the hearing would substantiate the following misrepresentations on the transcript. Enclosed copy of arraignment transcript incorporated herein by reference.
97. Some examples of what I said during the "arraignment" versus what was reported on the transcript are set forth in Exhibit G, which is incorporated herein by reference in its entirety. This listing is NOT all inclusive of the "errors" in the transcript.

I swear myself in; Do NOT Accept Schmaus as "Stand-by"

98. Attorney Gary R, Schmaus, appointed by Williams as stand-by counsel for the "defendant", which I was **NOT**, attempted to introduce me, presumably as the "defendant".
99. I stated: "This gentleman does not speak for me … My every word today is made under the pains and penalty of perjury. I am not the fiduciary, trustee … [interrupted by Williams].
100. "I'm introducing myself. He can't introduce me. He can't accuse me of being the defendant. He's not representing me. **I'm NOT accepting him** as stand-by counsel. I can introduce myself, and that's what I am doing," … [interrupted by Williams]

101. Williams, interrupting me again, asked Schmaus if he received a copy of the complaint and Information.
102. Schmaus indicated he had **NOT** received the "Information".
103. Assistant D.A. Wabitsch handed Schmaus a copy of the "Information".
104. I stated: "For the record, every word that I speak here today is made under the pains and penalty of perjury."

Not Acting for Defendant; NO Consent; Demand Assistance of Counsel.

AR-2

105. I continued: "I am not the fiduciary, trustee, representative, nor am I acting in any way whatsoever for any artificial entity, including but not limited to the defendant. I am not the artificial person or entity, the defendant.

106. "I do not consent to these proceedings, but I exercise my Right to protect my natural person and my liberty. My life and liberty.

107. "I have a right to my choice of assistance of counsel. No one may deny me my right to assistance of counsel. And my choice for assistance of counsel is my wife.

108. "I do not accept Gary Schmaus as stand-by counsel. It is no business of mine that the court appoints Gary Schmaus for the defendant as I have no interest in the defendant."

Williams Denies Me Assistance of Counsel.

109. I repeatedly demanded, about six times, my choice of assistance of counsel pursuant to the Sixth Amendment, which Williams denied.

110. Williams stated that I had to accept a bar "licensed" attorney – who is beholden to, and paid by, "my" presumed adversary, the corporation named "State of Wisconsin". The "defendant", an artificial entity created by artifice, may need an "attorney", but I, a man, claim my inherent Rights secured by the federal (1789) and state (1848) Constitutions, such as the right to my choice of assistance of counsel. [See Exhibit F, pg. 5, court entry 10-15-2015].

Denial of Right to Defend.

111. I stated that I was being held incommunicado. I was NOT allowed even one (1) phone call during the five months in the Ozaukee County jail. For the first two (2) months I was not given any indigent envelopes, therefore I could not contact anyone on the outside for any assistance.

112. I stated that I did not consent to the last proceedings (preliminary hearing); that I did not receive Notice; that Notice is the first requisite of due process; that the proceedings were VOID for denial of due process.

113. I demanded that Ron Voigt be summoned, that day, "so that I can question him under oath and that these proceedings can be concluded today." Williams denied my demand, just like she denied the request to reopen the preliminary hearing by attorney Schmaus after stating that she would reopen if stand-by counsel requested it.

Williams Admits I am Not the Defendant and Enters "Liar's Plea"

114. Williams looked at and pointed at me asking, "Sir, did you receive a copy of that Information?"

I responded: "Well, who are you speaking to?"
Williams: "You."
I responded: "In what person?
Williams: "Did you receive a copy of the Information?"
I responded: "Why are you asking me? I'm not on that paper."
Williams: "Did you receive a copy of the Information?"
I responded: "Why are you asking me? My appellation, my name, does not appear on this piece of paper. Why are you asking me?"

AR-3

Williams: "The record should reflect that the piece of paper before the defendant [sic] is an Information. Is that correct, Mr. Schmaus?"
Schmaus: "It is."
Williams: "In case 11-CF-236?"
Schmaus: "Yes."
Williams, again looking at me: "Then sir, what is your plea to the count in the Information?"

115. I, Steven Alan Magritz, Plaintiff herein, **having experienced the perfidy of Williams over the years**, responded for myself, the natural man, exercising my inherent Right as well as duty to defend my natural person and not the "defendant" created as an artifice to "presume" jurisdiction.

I responded: "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: "Based on the defendant's (sic) response the Court will take that as the **defendant (sic) standing mute and enter a not guilty plea**." [**CREATING A CONTROVERSY**]

116. Thus Williams Admitted:

- The Court had **NO personal jurisdiction** over me, Steven Alan Magritz, a natural man and Plaintiff herein, and,
- I was **NOT** the defendant, **NOR** was I acting in any way for or on behalf of the defendant.

I responded: "I do not consent to this railroad job. I entered a plea of Nonassumpsit by way of Confession and Avoidance, and I demand that you hear my plea immediately. This is a … [interrupted by Williams. Again.]

Williams: "Put this matter …"

I continued responding: "This is a railroad job, madam. You are aiding and abetting the misprision of felony. There are documents that I would provide by Mr. Gary Schmaus that indicates that there are documents removed from the court file That implicates you in a misprision of felony. Now removing these documents is another crime. Tampering with a public record and stealing public documents.
"They are not in the file, and I hereby under Title Four (sic) report crimes to this court. Such as tampering with public documents, stealing government property, stealing documents from the Clerk of Court's office, and obstruction of justice.
"Mr. Gary Schmaus advised me that he gave me all of the documents that were in that record in that file. There are documents missing that were mailed,

registered mail to the Clerk of Court, certified mail to the Clerk of Court, and by way of courier who obtained certified copies from the Clerk of Court. Those documents are all missing. So I demand that you hear my plea, this plea for me, the man, not for the defendant, and that Ron Voigt be summoned here immediately for my questioning."

117. Williams ignored my demand to hear my plea and set a date for trial. When Williams asked me if I had a problem with the date she set,

I responded: "Of course I do. … This is a malicious prosecution formulated by Adam Gerol acting in conjunction with Dennis Kenealy, corporation counsel, **and you who covered up** Kenealy's crime since 2002.
"I'd reported this crime to you in 2002, and you told me to go file a report with the police. I filed the crimes again with Gerol in 2011, three affidavits. And I filed it, a petition with the Court to be [determined] whether or not my affidavits were sufficient [to state] probable cause, and **you** said there was no need to determine if whether or not a crime was committed."
"That's not what I asked the Court, and of course there was no need to determine whether a crime was committed because **you knew** there was a crime committed, **Gerol knew** there was a crime committed, **and all three of you knew Gerol and Kenealy were covering up Kenealy's crime**."
"**Now there's no reason for you and Gerol to cover up Kenealy's crimes anymore**, madam. He's out of office, he was exposed. He was exposed **in the federal lawsuit that I filed against you**, Adam Gerol and Ron Voigt and a number of other public officers for breach of your fiduciary duty. Dennis Kenealy resigned after being exposed. The County Board lost all confidence in him, asked him to step down. He did. There is no reason for you people to protect him any more."

118. Bottom Line: By entering a plea of "Not Guilty", Williams Fraudulently Created an Ostensible CONTROVERSY, without which no court can act.

CJP-1 **Chronology of Judicial Persecution**
By State Actors Williams and Gerol

119. On December 1, 2011 Adam Y. Gerol, d/b/a district attorney, filed a "Criminal Complaint", case no. 2011CF236 against the presumed artificial entity named STEVEN A MAGRITZ based upon a "sworn" statement by sheriff's officer Jeff Taylor. Taylor "swore" that he "spoke with Ozaukee County Register of Deeds Ron Voigt who stated … '**there is no such thing as a Confirmation Deed**.'" This was the only statement of "fact" in the Complaint.

120. But **Voigt's statement was a FALSE statement**.

121. Plaintiff, as a third party intervenor, subsequently filed a counterclaim against Voigt for making a false statement to a law enforcement officer, for repeating the same false representation during an October 2, 2015 preliminary hearing after having in his possession since June of 2012 documentary proof of its falsity, and for admitting under oath to committing ultra vires acts when he stated, "I also review documents for the legality of being recorded," an act outside of his statutory duties. [October 2 transcript, page 4]. Only Voigt and Taylor were listed on Gerol's November 3, 2015 witness list. Voigt was to be Gerol's star witness. After Plaintiff exposed Voigt's perfidy, Voigt failed or refused to testify for Gerol [the prosecutor] at the subsequent trial.

122. On December 9, 2011 Plaintiff updated his October 28, 2011 Affidavit of criminal report previously filed with the sheriff, the district attorney, and in Ozaukee County case no. 2011JD0001 (Plaintiff's "Verified Motion For A Determination of Probable Cause") by adding paragraphs 15 and 16 reporting the December 1, 2011 crimes of Kenealy and Gerol of "Tampering with a witness, victim, or an informant" and "Retaliation against a witness, victim, or an informant."

123. The updated Affidavit was titled "12/09/2011 Report of Criminal Activity By Victim/Witness" (Affidavit" or "Report" or "Criminal Report" herein). On December 9, 2011 a cover letter, along with an original signature Affidavit (the "Report") was mailed to Scott Walker, Rebecca Kleefisch, Glenn Grothman, Daniel R. LeMahieu, J.B. Van Hollen, A. John Volker, J. MacDavis, Paul V. Malloy, Tom R. Wolfgram, Sandy A. Williams, and Jeff Taylor, and, was filed in Gerol's Ozaukee County case no. 2011CF236. The Affidavit was denoted as "other papers" on the court record sheet with entry date 12/12/2015. (sic) [typist's note: "typo" in hand written petition, correct date: 12/12/2011].

124. Plaintiff's December 9, 2011 Criminal Report filed in case no. 2011CF236 evidenced Kenealy's criminal removal of Plaintiff's Answer and Counterclaim and Fraud Upon the Court resulting in a VOID judgment in 2001. Plaintiff's Criminal Report (Affidavit) obliterated the very foundation of Gerol's action in case no. 2011CF236 and proved the tribunal was without subject matter jurisdiction.

Removal and Concealment of Court files:
Now a Pattern and Practice

125. Plaintiff's Affidavit filed December 9, 2011 and "entered" December 12, 2011 was **"REMOVED"** by unknown named person (s) from the court file from behind locked doors and

thereafter concealed. The only persons known to plaintiff with both **motive and opportunity** to remove and conceal Plaintiff's Criminal Report are:

A) Sandy A. Williams, and
B) Adam Y. Gerol, judge and prosecutor, respectively.

126. On January 5, 2012 Plaintiff **AGAIN** filed his Affidavit titled "12/09/2011 Report of Criminal Activity By Victim/Witness" in case no. 2011CF236, along with a cover letter to the clerk, a Notice to the clerk of the previous filing of the Affidavit on December 9, 2011, and the letter to Governor Scott Walker, et al. This filing was performed by private courier who obtained certified copies of the filing as well as file stamped copies and certified copies of other documents filed by Plaintiff.

127. This January 5, 2012 certified file copies of the letters/Notices and Criminal Report was Exhibit N of Plaintiff's federal lawsuit filed May 15, 2012, case no. 1:12-cv-00806-EGS filed originally in the district court of the District of Columbia, against Sandy A. Williams, Adam Y. Gerol, Ronald A. Voigt, and other county officers. This January 5, 2012 filing is marked Exhibit C and is incorporated herein by reference.

Court Files REMOVED and Concealed AGAIN, and, AGAIN

128. Plaintiff's Criminal Report (Affidavit) and other documents filed on January 5, 2012 were **ALSO REMOVED** from the court file and thereafter concealed, just like Plaintiff's Affidavit filed in December, 2011. As stated above, this **TWICE REMOVED** and concealed Affidavit obliterated the very foundation of Gerol's action, i.e., the VOID "default" judgment obtained by "removal" and concealment of Plaintiff's Answer and Counterclaim to Kenealy's 2001 "foreclosure" action, and evidenced that the tribunal in Gerol's case no. 2011CF236 was without subject matter jurisdiction. Further, it evidenced that Plaintiff was aggrieved and was exercising his secured First Amendment Right to petition government for redress of grievances.

129. As with December's previously filed and "removed" and thereafter concealed Affidavit, the only persons known to Plaintiff with both motive and opportunity to remove and conceal Plaintiff's Affidavit are:

A) Sandy A. Williams
B) Adam Y. Gerol.

January 10, 2012. Petition Gerol for Redress of Grievances: Gerol's Acquiescence, Denial of Remedy, Denial of Due Process, and, FRAUD UPON THE COURT

130. The First Amendment guarantees Plaintiff's Right to Petition government, or any department thereof [Wisconsin], for Redress of Grievances. Public officers, such as Adam Y. Gerol, are required by the federal Constitution, the state Constitution, federal law and state law, to take an oath to abide by the federal and state Constitutions. The oath is given in exchange for the Public Trust, and the oath taker is lawfully bound to uphold the Public Trust.

CJP-3

131. Gerol is mandated to uphold Plaintiff's Right to petition for redress of grievances, and his failure to do so by not responding or not rebutting Plaintiff's petition, by way of sworn affidavits, denies Plaintiff due process of law.
132. Gerol has no authority to deny, defy, or oppose the very Constitutions to which he swore his oath and to which he owes his limited, delegated authority.

133. On January 10, 2012 Plaintiff petitioned Gerol for Redress of Grievances, and Noticed Gerol by Affidavit, accompanied by Plaintiff's aforesaid letters/Notices and "12/09/2011 Report of Criminal Activity By Victim/Witness" filed on January 5, 2012, and certified by the court that:

- The accusation in Gerol's "Criminal Complaint" was false;
- The "default" judgment which was the foundation of Gerol's action was VOID;
- The county could have no title to Plaintiff's private property;
- The court could have no subject matter jurisdiction in Gerol's case no. 2011CF236;
- Gerol was infringing upon Plaintiff's inherent rights;
- Gerol had a duty to withdraw his complaint.

134. Gerol was served the aforesaid documents on January 11, 2012 as evidenced by the signed return receipt for certified mail number 7002 0460 0000 7727 0813.
135. As a public officer and fiduciary of the Public Trusts created by the federal (1789) and state (1848 A.D.) Constitutions, Gerol was required to respond to Plaintiff, a beneficiary of the Public Trust. Gerol did not respond to Plaintiff, and was named as a defendant for breach of fiduciary duty in Plaintiff's lawsuit filed May 15, 2012. A copy of Plaintiff's mailing to Gerol was obtained from Gary R. Schmaus, NOT my attorney and NOT MY stand-by counsel, as part of Gerol's discovery material, is marked Exhibit D, and is incorporated herein by reference. Gerol's failure to respond and rebut was his Agreement, nihil dicit, that everything in Plaintiff's letter and Affidavits was true, correct, legal, lawful, and binding upon him in any court in America.

136. Since Gerol tacitly admitted or agreed to Plaintiff's positions and statements and charges in Plaintiff's sworn affidavits and agreed he would not present a defense to them in court, Gerol's motion at trial to prevent Plaintiff's Affidavits or Criminal Reports as exhibits, which was sustained by Williams, was a Fraud Upon the Court.

137. Gerol was estopped by acquiescence, and could not legally or lawfully defend against his prior agreement or admissions.
138. Since there was no controversy before the court as evidenced by Gerol's prior agreement or admissions, the court had no subject matter jurisdiction. Courts can only hear controversies. (At "arraignment", Williams Fraudulently created an ostensible Controversy by entering her own "Liar's Plea" of "Not Guilty" over the objection of this Plaintiff.)

139. As stated herein above, Plaintiff's "12/09/2011 Report of Criminal Activity By Victim/Witness" was TWICE filed in "case no. 2011CF236", on December 9, 2011 ("entered"

December 12) and again on January 5, 2012, and TWICE "removed" from behind the locked doors of the clerk of court and thereafter concealed.

140. Since Gerol acquiesced To Plaintiff's January 10, 2012 Affidavit as well as the 12/09/2011 "Criminal Report", and perpetrated fraud upon the court as stated herein above, and moved the court to prevent Plaintiff from entering the 12/09/2011 Report as an exhibit at trial, Gerol and Williams prevented Plaintiff from presenting a defense, denied Plaintiff a fair trial, made a fair trial impossible, and denied Plaintiff due process.

Arrest and Subsequent Proceedings

"Booking-in" at Ozaukee County Jail: Non-consent

141. On or about September 23, 2015 Plaintiff was arrested without a warrant. Plaintiff was held in Ozaukee County Jail until February 16, 2016 on which date he was "transported" to a prison operated by "STATE OF WISCONSIN", a public corporation.

142. Plaintiff maintained his innocence of any wrongdoing and did not consent to be "booked-in" under the false name of STEVEN A MAGRITZ, presumably the name of an artificial entity concocted by state's attorney Adam Y. Gerol by and through identity theft and used as an artifice to pretend personal jurisdiction by the "corporation" and its tribunal over Plaintiff, a natural person and a beneficiary of the Public Trust created by the Constitution of "the" state of Wisconsin, 1848 A.D.

143. The entire time Plaintiff was held in the Ozaukee County Jail, almost five (5) months, Plaintiff was held incommunicado, in solitary confinement. Plaintiff was not allowed one single phone call, at any time, for any purpose. Plaintiff was not allowed to send any mail to get help for almost two (2) months, after which he was given two indigent envelopes per week. Plaintiff was not allowed any visitors and was denied assistance of counsel. Plaintiff's only occasional visitor was the rarely seen attorney appointed by Williams as "stand-by" for the "defendant", which was NOT this Plaintiff and which this Plaintiff DID NOT ACCEPT.

144. I suffered severe stress, knowing that I, Plaintiff herein, was innocent of any wrongdoing, and knowing that both Williams and Gerol KNEW I was innocent of any wrongdoing but were implementing a **personal vendetta** against me for charging them with nonfeasance and malversation, as well as covering up the greatest theft of private property in the history of the county orchestrated by their fellow attorney and associate, Dennis Kenealy, and attempting to imprison me to silence me.

145. I suffered a loss of weight down to 129 pounds and high blood pressure up to 194/89, both documented by the jail nurse.

146. The lack of nutrition from the jail food contributed greatly to my confusion and inability to think and prevented me from mentally coping with the treachery and deceit of both Williams and Gerol at the "trial".

Bail/Bond Hearing: Non-consent; Denial of Due Process

CJP-5

147. Within a day or so of Plaintiff's false arrest and false imprisonment, Plaintiff was placed in front of a video monitor to speak with a man who identified himself as Paul V. Malloy. Plaintiff informed Malloy that he was not the defendant and did not consent to the proceedings. The woman seated next to Plaintiff kept her hand on the microphone "kill switch", and repeatedly shut off the microphone when Plaintiff was speaking.
148. Plaintiff asserts that the second requisite of due process is the right to be heard. Repeatedly turning off the microphone so that Plaintiff could not be heard denied Plaintiff due process.
149. Plaintiff claims the right to be heard and the right to assistance of counsel of his choice at each and every step of a "criminal" proceeding, both of which were denied Plaintiff.

Bail/Bond Form: Non-consent; Incensed Williams

150. Within a day or so of Plaintiff's false arrest and false imprisonment, Plaintiff was asked by sheriff's deputy Gahan to sign a Bail/Bond form, thereby consenting to "bond" Adam Y. Gerol's action against the artificial entity "defendant", STEVEN A MAGRITZ.
151. Upon information, reason and belief, since Plaintiff did NOT consent to bond Adam Y. Gerol's action, either Adam Yale Gerol or his employer, the corporation named "State of Wisconsin", had to bond Gerol's action.
152. Plaintiff's non-consent to bond Gerol's action evidently incensed Williams as evidenced by her tone of voice, facial expression, and posture when she sua sponte brought the topic up at the sentencing hearing on February 11, 2016.

October 2, 2015 Preliminary Hearing: No Notice; No Assistance of Counsel; Biased Judge; Shackled and Immobilized; Denial of Due Process

153. On October 2, 2015 Plaintiff was placed on a wheelchair and immobilized, shackled hand and foot to the wheelchair. Plaintiff's one and only hand was handcuffed to the wheelchair so he couldn't move it, let alone write with it. Plaintiff was wheeled into a courtroom with Sandy A. Williams as presiding officer.

Biased Judge.

154. This is the same Sandy A. Williams against whom Plaintiff filed criminal accusations of misprision of felony, among other crimes, such as misconduct in public office. Said charges against Williams are unresolved and Williams has not been prosecuted. This is the same Sandy A. Williams who, after Plaintiff filed criminal "charges" against her, claimed assignment of and jurisdiction over Plaintiff's "Verified Motion For A Determination of Probable Cause" filed on or about August 12, 2015 (sic) [typist's note: "typo" in hand written petition, correct date: August 12, 2011], whereby she could cover up her own prior malversation in public office.

No Notice, No Due Process: Preliminary Hearing

155. Plaintiff had NO NOTICE of the proceedings, and was taken by surprise. According to the transcript, which was sent to Plaintiff by an outside third party, during the "hearing" Williams stated: "We are set for a preliminary hearing," and, the title of the transcript reads "PRELIMINARY HEARING".

CJP-6

156. Said "preliminary hearing" was held on October 2, 2015.
157. The court record of events indicates that on October 1, 2015 a "Notice of hearing. Preliminary hearing at 10-02-2015 03:30 pm" was generated and presumably mailed to the "last known address" of the "defendant".
158. Meanwhile, Plaintiff was being held hostage in solitary confinement in the basement of the jail immediately below the courthouse.
159. The court record of events dated November 2, 2015, one month AFTER the preliminary hearing, evidences the following entries:

- "Return of unclaimed/undelivered mail service
  Notice of Hearing – Selected Activities: STEVEN A MAGRITZ"

and,

- Notes
  Re-sent Notice of Hearing – Selected Activities: STEVEN A MAGRITZ to New address."

160. Thus the court mailed out a "Notice" of the preliminary hearing a day before the hearing to an "address" which neither this Plaintiff nor the "defendant" STEVEN A MAGRITZ was at.
161. **THAT DOES NOT CONSTITUTE NOTICE**, **and is a denial of due process**.
162. As set forth herein below, Plaintiff repeatedly demanded that Voigt be summoned and subjected to questioning by Plaintiff. Williams steadfastly denied Plaintiff's demands for due process.
163. Further as set forth herein below, stand-by counsel for the "defendant", NOT for this Plaintiff, Gary R. Schmaus requested in writing the reopening of the preliminary hearing. Williams denied Schmaus' request also.
164. **Notice is the first requisite of due process. Plaintiff was denied Notice** and due process within the first ten (10) days after his false arrest.
165. If the tribunal had had jurisdiction at the inception of its proceedings, which Plaintiff denies, it **FORFEITED JURISDICTION** for denying Plaintiff his constitutionally secured Right to Due Process.

NO ASSISTANCE OF COUNSEL.

166. Plaintiff claims the right to have assistance of counsel at every step in any proceedings whereat Plaintiff's liberty is at stake, whether he is currently restrained of his liberty, or whether he is threatened with the restraint or loss of his liberty.
167. **Plaintiff had NO Assistance of Counsel** at the "preliminary hearing".
168. **At NO TIME did Plaintiff WAIVE Assistance of Counsel**.

Unable To Defend

169. Plaintiff claims the due process Right to defend his natural person. Plaintiff claims the due process Right to have Notice of any hearing, to be informed of the purpose of any hearing, the witnesses who he might have the opportunity to examine, to be able to take notes, especially of any testimony given at the hearing, and time to consult with counsel and formulate questions of witnesses.

CJP-7

170. Plaintiff was afforded **NONE OF THE ABOVE**. Plaintiff was not even given paper or pen to take notes or write down questions for the surprise witness, and since he was immobilized, handcuffed to a wheelchair, he physically was not allowed to take notes in the first instance.

Taken By Surprise.

171. Adam Y. Gerol, state's attorney, subsequently shown on court documents as Adam Yale Gerol, called Ron Voigt, Register of Deeds, to the witness stand. This is the same Ronald A. Voigt Plaintiff sued in federal court in May, 2012 for breach of fiduciary duty for making false statements about Plaintiff's Confirmation Deed, e.g., "There is no such thing as a Confirmation Deed", and for making those false statements to a law enforcement officer, Jeff Taylor, which subsequently led to the false charges and Plaintiff's false arrest.

172. Plaintiff was taken by surprise by the appearance of Voigt as a witness.

False Testimony; Ultra Vires Acts.

173. Gerol solicited the following false testimony from Voigt: "Confirmation deed is an unknown title for a document." (transcript, page 8).

174. Voigt further admitted committing ultra vire acts when he stated, "I also review documents for the legality of being recorded." Said acts are outside the scope of Voigt's ministerial duties, which are statutorily defined. (transcript, page 4).

Gerol's Solicitation or Subornation of Voigt's False Testimony is Fraud Upon The Court, and Denial of Due Process.

175. Gerol cannot plead plausible deniability.

176. Gerol **had KNOWN for four (4) years that Voigt's testimony was FALSE**.

177. Plaintiff's 12/09/2011 Criminal Report exposing Voigt's false statements was filed with the court on December 9, 2011 and again on January 5, 2012. A court certified copy of the January 5th filing was mailed via certified mail to Gerol on January 10, 2012. See Exhibit D incorporated herein by reference.

178. Gerol knowingly solicited false testimony as evidenced by his failure to correct or question Voigt's false statement.

179. **Plaintiff charges Gerol with the same crime Nebraska Attorney General Douglas was found guilty of: Fraudulent Concealment.**

180. Gerol's Fraud Upon The Court vitiates the entire Proceedings:

- "Fraud vitiates everything."
- "Fraud vitiates the most solemn contracts, documents, and even judgments."

181. Plaintiff refers herein to **"Gerol"** rather than **"State"** or **"State of Wisconsin"** since Gerol's rogue conduct should not, and can not, be attributed to the Corporation, but rather to the state actor himself.

"Bound over" on Known False Testimony

CJP-8

182. Ignoring or putting aside Plaintiff's not being given Notice of hearing and his inability to question Voigt, one might surmise that Voigt's false testimony solicited by Gerol somehow "justified" Sandy A. Williams stating, "the court will find that the State has met its burden of probable cause and therefore bind the defendant (sic) over to **this** court for trial."

183. However, Plaintiff's Criminal Report (Affidavit), previously **filed TWICE with the court and TWICE "removed" by unknown named person(s)**, **and**, **served personally on Williams** and the other two Ozaukee County judges, conclusively proved Voigt's statements were **FALSE**.

184. Thus **Williams**, as well as Gerol **KNEW Voigt's testimony was FALSE**.

185. NO plausible deniability available to Williams.

Williams Will Reopen Preliminary Hearing For Stand-by Counsel, Then Refuses To Do So

186. Williams stated: "the Court will appoint a stand-by counsel." [for the "defendant", NOT this man, Steven Alan Magritz, Plaintiff herein]

187. Williams further stated, "And I am going to allow – if stand-by counsel believes that the preliminary hearing should be reopened for any reason, I would allow that as well."

188. However, after this Plaintiff provided a copy of the transcript of the preliminary hearing to Gary R. Schmaus, the stand-by counsel for the "defendant", and he wrote Williams requesting she reopen the hearing, Williams **REFUSED** to reopen it, **AGAIN** denying Plaintiff due process, **and evidencing her bias against Plaintiff.**

Plaintiff's status.

189. Plaintiff, who had previously averred that he was NOT the defendant in the proceedings instituted by Gerol, stated several times during the "preliminary hearing" that he did not consent to the proceedings and that he was not the fiduciary or trustee or representative or surety or accommodation party for the defendant or any other artificial person.

190. Plaintiff stated: "I do not understand these proceedings, and I wish to be set at liberty immediately."

Attorney Gary R. Schmaus and Documents "Removed" From the Court File.

191. Shortly before the October 15, 2015 "arraignment" hearing, Plaintiff was visited for 15 minutes by attorney Gary R. Schmaus, who had been appointed by Williams as stand-by counsel for the "defendant" in "case no. 2011CF236".

192. Plaintiff informed Schmaus that he, Steven Alan Magritz, was **NOT** the "defendant" in Gerol's action, and that Plaintiff did **NOT** accept Schmaus as stand-by counsel for himself.

193. Schmaus gave Plaintiff 34 pages which constituted Plaintiff's petitioning for redress of grievances via notary public Kracunas from August through November of 2011, discussed elsewhere herein, and stated that those were **ALL** of Plaintiff's filings in the court case file of case no. 2011CF236.

194. Plaintiff stated that there were a number of documents "missing", most notably Plaintiff's December 9, 2011 Criminal Report titled "12/09/2011 Report of Criminal Activity By Victim/Witness" filed first in December 2011 and then again on January 5, 2012. A court

certified copy of the January 5th filing was used as Plaintiff's Exhibit N in his federal lawsuit against Williams and Gerol. All of the documents filed in the federal lawsuit are posted on the www.OzaukeeMob.org website, including but not limited to those suspiciously "missing" from PACER.

195. Schmaus assured Plaintiff that he had given Plaintiff copies of **ALL** of the documents that were in the court file.

196. Plaintiff had an outside third party send him copies of Plaintiff's filings from his personal file and thus was able to specifically identify that ten (10) documents, totaling twenty-seven (27) pages, filed on four (4) different dates, had been **REMOVED** from the court file.

197. At the October 15, 2015 "arraignment" hearing Plaintiff informed the tribunal of the missing documents, most importantly those implicating Williams in misprision of felony which were filed in December 2011 and again on January 5, 2012 (the "Criminal Report"). Plaintiff emphatically and explicitly stated that he was reporting felonies to the court of removal and concealment of court documents.

198. Following the October 15th "hearing", copies of many of Plaintiff's "missing" documents "reappeared" (**as copies**) in the case file.

199. However, Plaintiff's **TWICE filed and TWICE REMOVED** "12/09/2011 Report of Criminal Activity By Victim/Witness" **charging Williams, Gerol, and attorney Kenealy with crimes remained "missing" from the court file**.

Not a "trial", But a Ritual Sacrifice.

200. By the day of the "trial", I, Steven Alan Magritz, Plaintiff herein, had been held incommunicado, in solitary confinement, malnourished, without assistance of counsel, for 128 days and was suffering physically, and mentally, as set forth on pages CJP-7 and CJP-8 [*typist note – these are the page numbers of the hand-written Petition, not this typed copy*], iterated here verbatim.

201. The duplicity of Williams and Gerol in preventing me from presenting a defense would not have been possible to overcome even if I had had my full faculties about me, especially without **assistance of counsel, which I had been DENIED by Sandy A. Williams**.

202. **Using the very machinery of government intended to provide justice and protect the life, liberty, and property of the people, to not only deprive me of my property, but then deprive me of my liberty for exercising my Constitutionally secured Right to petition government for redress of grievances, is the quintessence of tyranny.** [emphasis added by typist]

203. For attorneys Williams and Gerol to knowingly, purposely, intentionally take a fraudulently obtained "default" Judgment which had illegally and unlawfully deprived me of my property, which represented the life savings of two (2) generations, in violation of Constitutional prohibitions as noted elsewhere herein, and then use that **void** judgment, **PLUS the KNOWN**

CJP-10

FALSE statements of Ronald Voigt, to deprive me, the victim, of my liberty, is incredulous, shocks the conscience, and makes a mockery of the judicial system in America.

Voir dire.

204. Williams removed all of the prospective jurors from the courtroom when I was attempting voir dire, screened and approved fifteen (15) of my questions, called the prospective jury back, then allowed me to ask only those fifteen (15) questions she had screened and approved. That was jury tampering, tampering with the jury selection process, denial of a fair trial, and denial of due process.

Denied Witnesses for defense of natural person.

205. I was mailed subpoena forms by a friend, but as was set forth elsewhere herein, five (5) of my subpoenas were quashed, and Williams ordered my witness Robert C. Braun off of the witness stand at the very beginning of his testimony when she realized he was about to testify about my **TWICE filed and TWICE REMOVED and concealed exonerating "Criminal Complaint" titled "12/09/2011 Report of Criminal Activity By Victim/Witness"**.

206. As mentioned elsewhere herein, Williams gagged and threatened me NOT to say anything about the fraudulently obtained VOID judgment that was the foundational premise of Adam Yale Gerol's "prosecution", the challenge to which Gerol had OPENED THE DOOR in his "criminal Complaint" at the very inception of his persecution back on December 1, 2011.

207. I have every right to challenge a "default" judgment obtained by removing and concealing my Answer to a Complaint, thereby fraudulently obtaining a VOID "default" judgment. Further, I was egregiously aggrieved by the fraudulently obtained "default" judgment and have a secured First Amendment Right to petition government for redress of grievances and a secured Right to present a defense of my natural person.

208. As evidenced in Dennis E. Kenealy's action resulting in the theft of my property and Adam Yale Gerol's action resulting in my present false imprisonment, **attorneys have a proclivity to resort to criminal acts of removing and concealing documents of their "opponent" or "target" from behind the locked doors of the office of the clerk of court on order to "WIN" their "case"**. [emphasis added by typist]

209. Williams threatening and gagging me prevented and prohibited me from presenting a defense, which is, that I am aggrieved and seeking redress of grievances from government, having suffered injury at the hands of an associate of Williams and Gerol who abused the legal system by illegally removing my Answer from the court file to unlawfully deprive me of valuable private property taken for public use without any compensation and in violation of the Constitutional prohibition on impairing the obligation of contracts.

210. Sandy A. Williams made "good" on her threats by preventing me from entering several exhibits, including but not limited to my "12/09/2011 Report of Criminal Activity By

Victim/Witness" which had been **TWICE filed** in the case and **TWICE REMOVED** from the court file and thereafter concealed. Williams went so far as to stop the "trial", remove the jurors from the room, and threaten me again in their absence.

Jeff Taylor – "witness".

211. I was prohibited from introducing my "Criminal Report" and questioning Jeff Taylor about it. Taylor was the complaining LEO (law enforcement officer) for Gerol to whom I sent the "Criminal Report" at the same time the "report" was mailed to Governor Scott Walker, et al. My Affidavit (12/09/2011 "Criminal Report) **evidenced that Jeff Taylor's "Criminal Complaint" was FALSE.**

212. Although Taylor "swore" in his "Criminal Complaint" that he spoke to Ron Voigt and Voigt told him "There is no such thing as a Confirmation Deed", when I questioned him on the witness stand he could NOT even "remember" talking to Voigt, let alone "remember" making that statement in his "sworn" "Criminal Complaint", or Voigt having made the statement.

213. Perhaps Taylor reading my Affidavit ("Criminal Report") evidencing Voigt made **FALSE** statements to him and realizing that his "sworn" Criminal Complaint was **FALSE**, made Taylor "lose" his memory.

Ronald A. Voigt, ex – "star" witness for Gerol.

214. Register of Deeds Ronald Alan Voigt was going to be Gerol's "star" witness at "trial", but after I filed a counterclaim and exposed Voigt's false statements to LEO Taylor and his false testimony and admission to committing ultra vires acts at the preliminary hearing, Voigt failed or refused to testify for Gerol.

215. Since I had subpoenaed Voigt, a subpoena which Gerol did not have quashed, Voigt was obliged to make an appearance. However, about the only thing Voigt was able to remember or recall was his name.

216. Voigt couldn't remember receiving **ANY** of my affidavits via a notary public during the months of August, or September, or October, or November 2011 when I was petitioning the county officers for redress of grievances. Exhibit D, pages 12 & 13, incorporated herein by reference.

217. It strains the limits of credulity that the Register of Deeds, an elected public officer for over thirty (30) years, could NOT "remember" getting five (5) mailings over a period of four (4) months from a notary public requesting a response to an affidavit from an aggrieved person seeking redress of grievances, a victim of the single greatest theft of private property in the history of the county, especially when the last mailing was in November 2011, the very same month my Confirmation Deed was recorded, and Voigt made his false statements to LEO Jeff Taylor.

218. Voigt couldn't remember making his [false] statement to LEO Jeff Taylor. Voigt couldn't even remember talking with Taylor. Voigt couldn't remember if he had talked with attorney Dennis E. Kenealy, corporation counsel.

CJP-12

Voigt Coached By Williams.

219. When I asked Voigt a question that he had difficulty answering with "I can't recall" or "I don't remember", Sandy A. **Williams, the "anything but neutral" judge, coached Voigt from the bench**, after which Voigt changed his mantra to: "I can't answer that".

Cheri Hipenbecker, "expert" witness.

220. Attorney Cheri Hipenbecker was Gerol's "expert" witness from Knight Barry Title, Inc., a company which does work for "State of Wisconsin" in the normal course of their business, named on Gerol's "Amended Witness List" filed AFTER Gerol's "star" witness Ronald Voigt "bowed out".

221. Hipenbecker testified that if she did a title search and came across my Confirmation Deed, in her own words:

"I would ignore it."

222. Thus Gerol's expert witness testified **that there was no injury, no damage, no harm, No Corpus Delicti.**

223. But Hipenbecker's testimony did not stop Gerol's malicious prosecution and agenda to silence me and falsely imprison me. See Exhibit H, Amended Judgment of Conviction incorporated herein by reference. Note the intentional infringement upon the secured First Amendment Right to petition government for redress of grievances by requiring "approval" in order to seek redress in any federal or state court, or from any elected public officer.

My Statement at the Sentencing Hearing:

224. "If at any time during these proceedings it appeared that I consented, I did not consent. I do not consent now, and I will never consent in the future."

No Consent – Ever.

225. On February 8, 2016 A.D. I filed a "Nonconsent and Nonacceptance" and "Notice" dated February 4, 2016 A.D., stating that I did not assent or consent to, or accept the verdict of the jury and would not assent to, consent to or accept a Judgment of Conviction. The Notice stated the charging statute was unconstitutional as applied for want of a mens rea element.
See Exhibit I incorporated herein by reference.

NDP-1 **No Due Process From Day One**

The First Requisite of due process is Notice.

226. Register of Deeds Ron Voigt, law enforcement officer Jeff Taylor, and district attorney Adam Gerol all denied me due process by failing to tell me that they had an "issue" with my Confirmation Deed and giving me a chance to explain, and IF I had made a mistake, giving me the opportunity to correct the mistake.

Upon recording the Confirmation Deed:

227. On November 15, 2011 I recorded a correction deed, titled "Confirmation Deed", in the office of the Register of Deeds correcting mistakes that were in the two deeds when I purchased my property in 1990.
228. 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.
229. No one questioned why recording the deed was exempt from the real estate transfer fee.
230. No one questioned any of the wording in the Deed.
231. No one said there were any mistakes in the Deed.
232. No one said there was anything wrong with the Deed.
233. No one asked me any questions about the Deed.
234. No one gave me any indication at all that anyone might question the Deed.
235. No one sent me a letter or other communication stating they had any issues with the Deed or questions about the Deed.
236. No one called me on the telephone regarding the Deed.
237. No one gave me any Notice whatsoever that **any** person might have an "issue" regarding the Deed.
238. 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.
239. And as a footnote, at the "trial" no one claimed there were any misrepresentations or false statements whatsoever in the Confirmation Deed, or that it was in any way false or sham or frivolous.

The False Allegation in the "Criminal Complaint"
The prosecutor "Opened the Door" to my defense in his Complaint, BUT – I was gagged, harangued and THREATENED by Williams and prevented from presenting a defense.

240. Gerol's "Criminal Complaint", under "Probable Cause" states:

> "Complainant alleges that on or about October [sic] of 2001, judgment was granted to the County of Ozaukee [sic] condemning and forfeiting property …
> Complainant alleges that said judgment and ownership of these premises has remained with Ozaukee County [sic] since that date."

NDP-2

241. The "Complaint" **OPENED THE DOOR** to challenge and expose the judgment, the foundational premise of the Complaint, as being procured by Fraud Upon the Court by corporation counsel Dennis E. Kenealy removing from the court file and thereafter concealing my Answer to his "foreclosure" action, and, then making false statements to the judge that NO Answer had been filed resulting in a "default" judgment. Kenealy had in his possession my timely filed Answer which he removed from the court file, which is a felony, at the time he falsely represented that I had not filed an Answer.

242. The judgment was obtained by Fraud Upon the Court, rendering it VOID ab initio. A void judgment can be challenged at any time in any court, **HOWEVER** –

243. **Sandy A. Williams ranted and harangued and threatened** me that if I ever brought up that the judgment was void or obtained by fraud or questioned it in any way she would cut me off and shut me down.

244. **Williams held true to her threat**. She stopped the "trial" to harangue and threaten me, prohibited me from entering exhibits, prohibited me from asking questions of witnesses, and ordered my witness off of the witness stand.

The second requisite of the Right to due process is the opportunity to be heard.

245. I was threatened and gagged, prevented from being heard and prevented from presenting a defense. Shooting fish in a barrel would have been more difficult than getting a "conviction", having had my mouth taped shut and my arms tied behind my back.

MJ-1 Miscarriage of Justice: False Imprisonment; No DUE PROCESS

246. "The law must serve the cause of justice … In a society devoted to the rule of law, the difference between violating or not violating a criminal statute cannot be shrugged aside as a minor detail."

247. The good name of the state must be especially protected with regard to the reputation of the high calling to the judicial branch of government, since the support of the state by the people is directly proportional to the perception of the people that the judicial branch will act equitably and righteously, and will dispense justice, and justice without respect to persons.

248. The wanton disregard for justice, for the federal and state Constitutions, and the malversation of Sandy A. Williams and Adam Yale Gerol, falsely accusing and imprisoning me, a beneficiary of the Public Trust, as a political act for a noncrime, is a miscarriage of justice of penultimate degree. Only capital punishment would be more egregious.

249. Consider the extent to which two attorneys strove to imprison me, an innocent man:

- **No Notice** that correcting my own previously recorded deeds could be "construed" as a criminal act before resorting to prosecuting me for exercising my Right to petition for redress of grievances.
- Filing a "Criminal Complaint" based upon a **false hearsay** statement.
- Failure of Gerol to withdraw false Criminal Complaint after being Noticed of its falsity.
- Gerol continuing "prosecution" after acquiescing to the falsity of the complaint and acknowledging his duty to withdraw the complaint.
- False arrest: **Arrest without a Warrant**.
- Gerol filing an action knowing the foundational premise was based upon a "default" judgment obtained by fraud upon the court and therefore void ab initio.
- **No Notice** of preliminary hearing.
- **No Assistance of Counsel** at preliminary hearing.
- **Admission** at preliminary hearing by witness Ron Voigt to committing ultra vires acts.
- **Subornation of false testimony** of Ron Voigt by Gerol at preliminary hearing.
- **No Notice of arraignment** hearing.
- **No Assistance of Counsel at arraignment** hearing.
- **Denial by Williams of Assistance of Counsel at arraignment** hearing.
- **Refusal of Williams to hear my plea of Nonassumpsit by way of Confession and Avoidance,** stated loud and clear three (3) times, thus preventing me from presenting a defense and committing FRAUD upon the court.
- **Williams entering a "Liar's Plea"** of not guilty immediately after my plea of Nonassumpsit by way of Confession and Avoidance, thus committing fraud upon the court. (see last entry on page MJ-5 [of hand-written petition; last page of MJ section herein]
- **Biased and embroiled "judge" Williams** against whom I had filed criminal accusations and sued in federal court failed/refused to recuse herself.
- **Denied an evidentiary hearing on jurisdiction by an unbiased judge,** NOT Sandy A. Williams.

MJ-2

- **Removal of exonerating affidavit** from court file, from behind locked doors, and thereafter concealed, titled "12/09/2011 Report of Criminal Activity By Victim/Witness" first filed 12/09/2011, entered on 12/12/2011.
- **Removal, a second time, of exonerating affidavit** from court file from behind locked doors, and thereafter concealed, of "12/09/2011 Report of Criminal Activity By Victim/Witness" filed January 5, 2012.
- Removal from the court file, **from behind locked doors**, of ten (10) documents filed by "me" on four (4) different dates totaling twenty-seven pages.
- "Mysterious" placement of scanned copies of some, not all – not the affidavits – of my "removed" documents reappear in the court file after my emphatic reporting of them being removed from the court file.
- **Concealing from the jury by Williams of my exonerating Affidavit** titled "12/09/2011 Report of Criminal Activity By Victim/Witness", preventing me from using it as an exhibit and presenting a defense, and jury tampering.
- Concealing from the jury my exonerating Affidavit by ordering defense witness Robert C. Braun off the witness stand, preventing me from using it as an exhibit, from presenting a defense, and jury tampering.
- Tampering with the court transcript of the arraignment held on October 15, 2015.
- Gerol's failure to provide me his witness list.
- Gerol's failure to provide me his amended witness list.
- Gerol's failure to provide me discovery materials.
- Gerol **subpoenaing Karen Makoutz, then having my subpoena of her quashed**.
- Gerol **subpoenaing former assistant corporation counsel** Rhonda Gorden, **then having my subpoena of former corporation counsel** Dennis Kenealy **quashed**.
- Gerol having **quashed** my subpoena of clerk of court Mueller who could have testified as to **WHO might have REMOVED my exonerating Affidavits** from the court files from behind locked doors, among other questions set forth at length elsewhere herein.
- Gerol having quashed my subpoena of himself, the only person capable of testifying why he did not withdraw the false "Criminal Complaint" and what motivated him to bring an action based upon a known fraudulently obtained "default" judgment resulting from removal of the opponent's Answer from the court file thus resulting in a VOID judgment.
- Gerol **having quashed** my subpoena of Sandy A. Williams, the only person capable of testifying by what authority did she sit in judgment of her own wrongdoing when I filed a "Verified Motion For A Determination of Probable Cause" in August of 2011, and how she could not be biased against me after I filed criminal charges against her and sued her in federal court in 2012 for breach of fiduciary duty for malversation (misprision of felony).
- Ron Voigt, Register of Deeds and Gerol's intended "star witness", who provided false statements to "complaining" officer Jeff Taylor, **gave false testimony at the preliminary hearing** and admitted to ultra vires acts; thereafter failed or refused to testify for Gerol at trial after being exposed for his corruption in my counterclaim.
- I was allowed only 5 minutes for an opening statement and 10 minutes for closing.

MJ-3

- **Williams prevented me** from voir dire prospective jurors by **prescreening my questions** and then allowing me to ask only those fifteen (15) questions that she had previously approved.
- Williams threatened me to not, in any way, bring up or mention that I was aggrieved and seeking redress of grievances from the fraudulently obtained void judgment obtained by her fellow attorney and associate Dennis Kenealy removing my Answer from the court file in a prior action and concealing it from the court.
  Removing my Answer was a crime, just like removing my Affidavits ("Criminal Reports") and thereafter concealing them in this action was a crime.
- Williams threatened that she would cut me off and stop me if I tried to mention my grievances, and stopped the trial and ushered the jurors out of the room to make good her threat.
- It appeared that Williams sustained Gerol's objections to my questions of witnesses and told me to go to the next question even before Gerol finished his objection, thus preventing my rebuttal of his objection.
- Williams, having threatened and gagged me, thereafter prevented me from entering as exhibits documents, provided to Gerol as discovery for the defense of my natural person from my federal lawsuit against Williams and Gerol, evidencing that I was petitioning government for redress of grievances, a secured Right under the First Amendment, thus preventing me from presenting a defense and tampering with the jury which is to determine both the facts of the case and the intent of the accused.
- Williams ordered my witness, Robert Braun, off the witness stand before he could testify as to the removal of my exonerating affidavits from the court file from behind locked doors, which removal is a felony.
- Williams preventing witness Robert Braun from introducing or testifying about exonerating evidence, thus preventing me from presenting a defense and tampering with the jury.
- Williams refused to use any of my jury instructions, and
- Williams failed to instruct the jury on the mens rea element of a crime.

- **By entering a plea of Not Guilty, Williams FRAUDULENTLY CREATED AN OSTENSIBLE CONTROVERSY, without which no court can act.**

PJ-1 **Tribunal was in want of personal jurisdiction over Plaintiff**

250. I, Steven Alan Magritz, did not see, nor was I ever presented with, any document created by a state actor or issuing from the tribunal in Ozaukee County case no. 2011CF236 bearing my name. I deny that any such document exists. There was no summons, complaint, capias, Notice, Information, Accusation, Indictment, witness list, motion, Order, Judgment, Judgment of Conviction, etc. bearing my name.

251. I demanded several times, in writing, by way of affidavit, that the "prosecutor", Adam Yale Gerol, prove on the record that the tribunal had personal jurisdiction over me. Gerol failed and/or refused to offer any proof whatsoever that the tribunal, operating in a corporate jurisdiction foreign to the common law and/or the jurisdiction of the Public Trust created by the Constitution of 1848, of which I am a beneficiary, had personal jurisdiction over my natural person. See items numbered 23 and 24 of Exhibit E, incorporated herein by reference in its entirety.

252. I also demanded several times an evidentiary hearing before an **UNBIASED** judge, **NOT Sandy A. Williams**, as set forth in item numbered 24, supra. I was denied an evidentiary hearing, thus **denying** me **DUE PROCESS**. Williams, **biased and embroiled**, failed to recuse herself.

253. I did not see, nor was I ever presented with, and I deny that any exists, evidence or proof that I was subject to Wis. Stats. §§ 943.60(1) or 939.50(3)(h). Said statutes are for the corporation named "State of Wisconsin" to regulate itself and its own affairs, and under no circumstances can said statutes infringe upon, denigrate, deny, violate, or otherwise diminish my inherent Rights as a beneficiary of the Public Trusts created by the state or federal Constitutions.

254. "State of Wisconsin", referred to as "this" state defined as a public corporation in Wis. Stat. § 706.03(1)(b), (1971), is a subunit of "the", the Public Trust created by the state Constitution adopted in 1848 A.D.

> "A public corporation is one created for political purposes
> and to act as an agency in the administration of civil
> government … with subordinate and local powers of legislation."

255. The public corporation can create statutes and rules to regulate itself, but cannot force a beneficiary of the Public Trust into its jurisdiction, let alone infringe upon the inherent Rights of the people guaranteed by its creator, the Public Trust.

256. My status as a beneficiary of the Public Trust is a political question and neither the tribunal, nor state actors such as Williams or Gerol have any authority to decide my political status or force me into a political status against my will, or by deception.

257. At no time did Gerol ("STATE") prove, or even allege, that I was in privity or comity with or had any nexus to the corporation named "State of Wisconsin", and I deny that any exists.

258. "There can be no constructive offenses, and before a man can be punished, his case must be plainly and unmistakably within the statute."

PJ-2

259. Since there was no allegation, let alone proof that I was subject to the aforesaid statutes, Gerol and "State of Wisconsin" **failed to state a claim upon which relief can be granted**.

Republican Form of Government.

260. I, as a beneficiary of the Public Trust created by the Constitution of the state of Wisconsin in 1848 A.D., claim the right to a Republican Form of Government as established in said Constitution with three separate departments, i.e., Legislative (Article IV), Executive (Article V),

261. And Judicial (Article VII). A Republican form of government is also guaranteed by the Constitution of the united States of America, 1789 A.D., to wit, "The United States shall guarantee to every state in this Union a Republican Form of Government, and shall protect each of them from invasion."

262. The jurisdiction of the corporation named "State of Wisconsin" deprives me of a Republican form of government, as evidenced by the fact that the judge, the prosecutor, and the public defender or court appointed attorney all get paid out of the same purse and are beholden to the same authority for the exercise of their "privilege".

263. "State of Wisconsin" and its tribunal evidently operate under Article VI, Administrative.

264. AT NO TIME during the proceedings in Ozaukee County case number 2011CF236 did I ever consent or assent to the proceedings, from their inception on December 1, 2011 to the present day. See Exhibit E as well as the "Amended Judgment of Conviction", Exhibit H, incorporated herein by reference.

265. The "Judgment" of the tribunal is VOID.

SMJ-1 Tribunal was in want of (lacked) subject matter jurisdiction

266. Article I, Section 2 of the Constitution of the state of Wisconsin, 1848 A.D., states that "There shall be neither slavery, nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted."

267. For a beneficiary of the Public Trust such as I, claiming and exercising inherent rights secured by both federal and state Constitutions, the definition of a "crime" and the elements constituting a crime are the same today as they were in 1848 when the Constitution was adopted. The meaning of the words in the 1848 Constitution have the same meaning today as they did in 1848. To hold otherwise is to claim we live in a nation under a tyranny of a few men rather than all men living in a nation under law.

268. A formal complaint for criminal prosecutions must, on its face, establish a corpus delicti, being two conditions: 1) The fact of an injury, and, 2) the existence of a criminal causation of that injury. In Ozaukee County case no. 2011CF236 there is no complaint or other "accusatory" document that establishes, or even alleges, a corpus delicti.

269. The "Criminal Complaint" filed December 1, 2011 by Adam Y. Gerol did NOT confer subject matter jurisdiction on the tribunal. The "Complaint" did not establish, or even allege, an injury, an injured party, a damage, damaged property, or any harm to any person or property. The "Complaint" did not allege any intent to commit an injury or to damage property, i.e., the existence of a criminal causation of an injury. How could it, when there was no allegation of an injury or damage? Exhibit B, incorporated by reference.

270. In fact, the "Criminal Complaint" was a **SHAM**.

271. Both Jeff Taylor, the "complaining" law enforcement officer, and Adam Y. Gerol, District Attorney, **KNEW with certainty within weeks** of December 1, 2011 that **the "Complaint" was a SHAM**, as both received by certified mail documentary evidence that the only statement of supposed "fact", sworn by Taylor as having been made to him by register of deeds Ron Voigt, was **FALSE**.

272. Taylor swore that Voigt stated "There is no such thing as a Confirmation Deed." This was a **FALSE** statement. And it was the only alleged "fact" statement made by Voigt that caused or generated the "Criminal Complaint."

273. Both Gerol and Taylor received my Affidavit, my "12/09/2011 Report of Criminal Activity By Victim/Witness", that was mailed to them certified mail along with a cover letter listing the other recipients, ranking state officers such as Gov. Scott Walker, Atty. Gen. J.B. Van Hollen, etc., evidencing Voigt's statement was **false** and the criminal complaint was a **malicious prosecution**. Gerol and Taylor cannot claim plausible deniability. See Exhibit C incorporated herein by reference.

SMJ-2

274. At the "trial" on January 29, 2016 Captain Jeff Taylor of the Ozaukee County Sheriff's department testified he could not remember making the statement in his "sworn" complaint that Voigt stated "There is no such thing as a Confirmation Deed". Taylor claimed he could not even remember talking to Voigt.

275. Voigt also testified at the "trial" that he could not "remember" or "recall" talking to Taylor. Further Voigt could not "remember" or "recall" making the false statement to law enforcement officer Taylor. BUT – Voigt's false statement was the foundation of Gerol's "Criminal Complaint", which resulted in my false arrest and false imprisonment.

276. Further, the "Criminal Complaint" was a **hearsay** document, not sworn to under the pains and penalty of perjury, not sworn to by an injured party, thus it could not be the basis for a seizure under the Fourth Amendment. YET IT WAS SO USED.

277. **The SHAM "Criminal Complaint" did NOT confer subject matter jurisdiction** on the tribunal.

The "Information" did NOT confer subject matter jurisdiction.

278. The "Information", which historically was used as a revenue generating instrument and NOT for a crime, did not establish the fact of an injury. In fact, the "Information did not even allege an injury, an injured party, or a damage or damaged property. There must be some injury or damage, condition #1, for there to be a cause of action, but none was established or alleged.

279. Further, the "Information" lacked an accusation of any person acting with a guilty mind or intent to cause an injury or damage or harm or wrongdoing, i.e., it failed to establish condition #2.

280. The tribunal lacked specific subject matter jurisdiction. **The judgment is VOID**.

281. **To capstone** the want of subject matter jurisdiction for failure to establish a corpus delicti, the expert witness for the "STATE", 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**, evidencing that there was in fact no injury or damage, which is a valid reason why Adam Y. Gerol did not allege or attempt to establish an injury.

FA-1 First Amendment Secured Rights Converted To A Crime

282. State actors Sandy A. Williams and Adam Y. Gerol have known since 2001 that I have been aggrieved since that time by the taking of my private property valued then at over $700,000.00 for public use as a county park without any compensation whatsoever. They, Williams and Gerol, have known by way of my many affidavits and criminal reports that the taking was unlawful and was orchestrated by their associate, fellow attorney Dennis E. Kenealy.

283. Both Williams and Gerol **KNEW** that the default judgment by which Ozaukee County had taken possession of my federally protected property had been procured by Kenealy by removing from the court file my Answer to his Complaint and thereafter concealing it to obtain a default judgment.

284. Williams and Gerol, both highly trained in the law, know that removing and concealing my Answer was fraud upon the court, which renders any judgment **VOID ab initio.**

285. For reasons known only to them, Williams and Gerol have infringed upon my secured Right to petition government for redress of grievances.

286. They have persecuted me under a color of law "prosecution", using a fraudulently obtained void judgment as the basis or foundation of the prosecution, **KNOWING** that the judgment was obtained by fraud upon the court.

287. Even more egregious, Williams gagged and threatened me not to bring up, at any time or in any manner whatsoever, the fact that the judgment was obtained by fraud upon the court and that I was an aggrieved person seeking redress of grievances, or she would stop me and cut me off. And, she made good on her threat.

288. In 2003 I petitioned for redress of grievances by filing an "Affidavit of Criminal Report and Probable Cause By Victim and Witness of Criminal Activity" with then Ozaukee County district attorney Sandy A. Williams. My affidavit set forth the several crimes of Ozaukee County Corporation Counsel Dennis E. Kenealy, including but not limited to his removal and concealment of my Answer to Kenealy's foreclosure action from the court file, thereby enabling Kenealy to obtain a "default" judgment. Kenealy's removal and concealment of my Answer was fraud upon the court which rendered the "default" judgment **VOID AB INITIO**. Williams refused to prosecute Kenealy, her fellow attorney and associate.

289. In July 2011 I petitioned for redress of grievances by filing a "Report of Criminal Activity By Victim/Witness" (Affidavit) with now district attorney Adam Y. Gerol, former assistant district attorney under Williams, who was promoted to the position of Ozaukee County Circuit Court Branch III ("judge"). My "Report", known in other states as a "Criminal Complaint", set forth not only Kenealy's criminal acts but also set forth the charge of misprision of felony against Sandy A. Williams for her nonfeasance/misfeasance of failure to prosecute attorney Kenealy for the greatest theft of private property in the history of the county named Ozaukee.

290. Gerol responded that he couldn't prosecute Kenealy because the statute of limitations had run out. But, the only reason why the statute of limitations had "run out" was the **REFUSAL** of Sandy A. Williams to prosecute Kenealy, her fellow attorney.

FA-2

291. Other states, such as Ohio, have recognized the "hesitation", if not the proclivity, of state's attorneys failure to prosecute other public officers, especially if they are fellow attorneys. Ohio has a specific statute of limitations which **BEGINS** when the public officer **LEAVES** office.

292. Although Wisconsin evidently is deficient in not having an explicit statute, Gerol could have prosecuted Kenealy using a sister-state statute and the premise that the prosecution was:

> "Well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law."

293. Being highly trained in the law, Gerol cannot claim ignorance or plausible deniability for failure to prosecute Kenealy and provide me redress of grievances.

294. On August 1, 2011 I filed a "Verified Motion For A Determination of Probable Cause" with the Ozaukee County court. By a specific mechanism unknown to me, Sandy A. Williams, former district attorney who refused to prosecute Kenealy, and against whom I charged misprision of felony in my "Report", assumed jurisdiction over my "Verified Motion" and "Report". **Thus Williams sat in judgment of her own cause and cannot claim even the appearance of neutrality or non-bias.** Williams blocked my petitioning for redress of grievances by issuing a dolus "Order" and dismissing my Motion.

295. On August 16, 2011 I began petitioning, by way of a notary public, thirty-seven (37) public officers of the county named Ozaukee for redress of grievances. When the 37 public officers failed to respond, I recorded a correction deed titled "Confirmation Deed" to correct the mistakes in my previously recorded deeds as a final step in petitioning for redress of grievances before filing suit in federal court, which I did several months later.

296. All of my acts were done with the intent of exercising my secured First Amendment Right to petition government for redress of grievances. The grievances I was suffering from Kenealy were exacerbated by attorneys Williams and Gerol.

297. On December 1, 2011 attorneys Adam Y. Gerol and Dennis E. Kenealy each filed actions, one "criminal" and the other civil, to block my petitioning for redress of grievances and infringing upon my guaranteed First Amendment Right. Attorneys Gerol and Kenealy converted my Constitutionally secured Right into a crime.

298. Kenealy, without authorization from the county Board, acted as complaining party for Ozaukee County, the public corporation, to prohibit both me and the notary public from contacting county public officers. Rhonda Gorden, Kenealy's assistant, acted as prosecuting attorney.

299. Gerol filed "criminal" charges for me exercising my Right to petition for redress of grievances by recording a "Confirmation Deed" to correct mistakes in my OWN DEEDS from 1990 when I purchased my property from my mother, which property had been unlawfully taken in 2001 by the acts of Kenealy. See Exhibit A incorporated herein by reference.

FA-3

300. Then the two attorneys, Williams d/b/a judge and Gerol d/b/a prosecutor, persecuted me under the guise of prosecution under color of law and imprisoned me for exercising my Constitutionall secured Right to petition government for redress of grievances. This they may **NOT** do.

First Amendment secured Right to freedom of speech.

301. In addition to infringing upon my Right to petition government for redress of grievances, Williams and Gerol **infringed upon my freedom of speech in a matter that is of public concern**.
302. It is a matter of public concern when there are mistakes in the public record, especially when those mistakes affect the life, liberty or property of the people. My deeds recorded in 1990 had mistakes in them that needed to be corrected.
303. It was not only my right to correct those mistakes, but since those mistakes were in the public record it was my DUTY to correct them. My deeds recorded in 1990 had mistakes common to a countless number of other deeds.
304. The public has a right to know of these "mistakes that were made unknowingly in my deeds and are made unwittingly in their own deeds and in the property records of the Register of Deeds.
305. I exercised my Right to freedom of speech by correcting the public record, which Williams and Gerol converted into a crime.

4th A-NW Fourth Amendment Violation: Arrest Without A Warrant

306. My guaranteed Right under the Fourth Amendment to be secure in my person from unreasonable seizure was violated when I was arrested without a warrant. Nor was I disturbing the peace when I was arrested.

307. After my false arrest I was held to "answer" to false "charges" in Ozaukee County case no 2011CF236, the result of which is my present restraint of liberty/false imprisonment.

308. I, Steven Alan Magritz, have never seen or been presented with a warrant for my arrest, and I deny that any exists.

309. I have never seen or been presented with any oath or affirmation by an injured party, or anyone else, claiming that I injured anyone or damaged any property that could support an arrest warrant, and deny that any exists.

310. In fact, during the entire time from my false arrest to this present day, I have not seen or been presented with any document, sworn or unsworn, from any person asserting a claim that I caused that person or any other person an injury or caused damage to any property, and deny that any exists.

311. I did not consent to be "booked-in" at the Ozaukee County jail without being presented with a warrant for my arrest.

312. At the sentencing hearing presiding officer Sandy A. Williams expressed her annoyance, displeasure, vexation at the fact that I did not "book-in" or sign the Bail/Bond, unconsciously acknowledging that the proceedings were void ab initio.

313. The entire proceedings in "case no. 2011CF236" are VOID for violating my Constitutionally secured Fourth Amendment Right at the very inception of the proceedings.

6th AC-1 Sixth Amendment – Denied Assistance of Counsel at Arraignment, and, thereafter

314. When attorney Gary R. Schmaus introduced himself to me, Steven Alan Magritz, and stated that he had been appointed stand-by counsel for the defendant by Sandy A. Williams, I informed him in no uncertain terms that I did NOT ACCEPT HIM as stand-by counsel for me, the natural man.

315. On October 15, 2015 I was shackled hand and foot, unable to take notes, and taken to a court room in front of Sandy A. Williams.

316. The transcript of the "Arraignment" held on October 15, 2015 evidences the following:

Sandy A. Williams, d/b/a "The Court":	11-CF-236, State vs. Steven Magritz
Wabitsch, d/b/a assistant D.A.:	Patti Wabitsch for the state.
Gary Schmaus:	Mr. Magritz appears in person. Also appearing is attorney Gary Schmaus as stand-by cousel.
Williams:	All right. Thank you.
Me, Steven Alan Magritz:	This gentleman does **NOT** speak for me … [interrupted by Williams]
Me, (cont.):	I'm introducing myself. He can't introduce me. He can't accuse me of being the defendant. He's NOT representing me. **I'm NOT ACCEPTING HIM** as stand-by counsel. I can introduce myself, and that's what I'm doing … [Interrupted again by Williams]
Williams:	Don't interrupt the court. You'll have your chance. (pp 2-3)
Me:	YOU interrupted me, madam. I'm the beneficiary … [Interrupted AGAIN by Williams] [Williams asks Schmaus if he received the Information. He responded: "I have not".
Me:	… I do not consent to these proceedings but I exercise my right to protect my natural person and my liberty. My life and liberty. I have a right to my choice of assistance of counsel. And my choice for assistance of counsel is my wife, Chieko. … I do not accept Gary Schmaus as stand-by counsel. It is no business of mine that the Court appoints Gary Schmaus for the defendant as I have no interest in the defendant. I DEMAND that my assistance of counsel Chieko be seated next to me immediately. I demand that my assistance of counsel be given paper and pencil to take notes and act as my secretary and that we have at least ten minutes of consultation because I have been denied – I've been held incommunicado. I have not been allowed one phone call, I have not been allowed to submit (sic?) a piece of mail. [I then stated I did not have notice of the preliminary hearing and demanded that Voigt be summoned so I could question him under oath]. Now I demand that my assistance of counsel be seated next to me immediately.
Williams:	All right. Mr. Magritz, you have said I think on three occasions now that you want your right to an attorney and that your assistance of counsel, your choice would be Chieko, am I saying that right?

6th AC-2

Me: I do not accept one of your private membership association attorneys as stand-by counsel [or] representative. I demand my choice of assistance of counsel pursuant to the Sixth Amendment, and it could be a butcher, baker, candlestick maker, and my wife is my choice. …

Williams: Does she have a law license?

Me: My assistance of counsel can be a butcher, a baker, a candlestick maker. My assistance of counsel does NOT have to be a bar-licensed attorney. The Supreme Court has stated that numerous times, and you cannot force me to take one of your private PMA, private membership association, attorneys. I am a private man. I have a right to choose my assistance of counsel.

Williams: All right sir. It's going to be a lot easier if you just listen to the question I'm asking you.

Me: Okay.

Williams: And I'll give you a chance because you just repeated what you said earlier so I heard it the first time. There's no need to keep repeating things, but listen to the question I'm asking. Is your wife a licensed attorney in the State of Wisconsin?

Me: Does she have to be to be my assistance of counsel?

Williams: Now I'm going to repeat the question, and listen to the question. Is your wife a licensed attorney through the State of Wisconsin. Yes or no.

Me: Are you telling me that she has to be, or are you telling me that you will not allow her to be my assistance of counsel if she's not a bar-licensed attorney? Is that what you're telling me, ma'am?

Williams: Sir, the question that I've asked you is, is your wife a licensed attorney through the State of Wisconsin. Please answer that yes or no, whichever the answer is.

Me: I demand that she be brought up here and seated next to me, and you can put that question to her personally. I do not answer for her. She can answer for herself.

Williams: I'm going to ask that question again, and I would ask that you be courteous enough to answer the question. Is your wife a licensed attorney through the State of Wisconsin?

Me: Ma'am, I am a beneficiary of the Public Trust. You are a fiduciary of the Public Trust. As a beneficiary I have the right to ask the questions and you have a duty to respond. I have no duty to respond to your questions, especially something like that which is irrelevant, immaterial, and absolutely out of line, out of order. You have no right to ask me that question. Yes or no, you understand what I just said?

Williams: Due to the response of the defendant, the Court will take that as a no. Therefore she will not be your attorney in this proceeding.

Me: I don't want her as an attorney … [interrupted Again by Williams]

Williams: Now, --

Me: I said assistance of counsel. (page 9)
[Williams moved on to the Information and the plea], (then on p. 11):

6th AC-3

Williams: We're looking for a date for trial, the Court will note that the Constitution of this state provides the defendant the right to be represented by an attorney, **NOT the right to assistance of counsel**, nor does it provide for an individual to have a secretary as a right, constitutional right. …
And sir, do you have any problem in terms of the date of January 19th for trial?

Me: You're not going to let me speak, are you? You have here exhibit [cut off, Interrupted by Williams AGAIN] (page 13) [I stated on the record about **attorney Kenealy's crimes against me and that Williams covered them up**] then, on page 14:

Williams: … Again, I can only remind you that you have the right to be represented by an attorney. Given that this is a serious offense, I would strongly encourage you if you do not wish stand-by counsel that you retain your own attorney or if you don't believe you can afford an attorney, that you make a request with the public defender to see if you qualify for their services. We'll have our final status on January 12th at 8:15. Thank you.

317. I had stated at least three (3) tomes that I did NOT ACCEPT Gary Schmaus as stand-by counsel. Williams acknowledged that:
- I did not accept Schmaus as stand-by, therefore I did NOT have an attorney at the arraignment, and,
- That I wasn't represented by an attorney at the arraignment.

318. When Williams claimed that the state Constitution did not afford a right to assistance of counsel, she was contradicting and acting in opposition to Article I Section 7 which reads, in pertinent part, "In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel;"

319. Further, Williams acted in opposition to the Sixth Amendment which states, in pertinent part, "In all criminal prosecutions, the accused shall enjoy the right to … have the Assistance of Counsel for his defense."

320. **I NEVER WAIVED ASSISTANCE OF COUNSEL.** To the contrary, I repeatedly **DEMANDED** assistance of counsel.

321. Williams DENIED me assistance of counsel in violation of my Constitutionally secured Right, thereby rendering VOID the entire proceedings and the "Judgment" issuing therefrom.

322. See 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" didn't have counsel.

6th-CC Sixth Amendment Violation – Confrontation Clause

323. "In all criminal prosecutions, the accused shall enjoy the right … to be confronted with the witness against him."

324. I have the secured Right to question accuser(s) regarding how they were injured or damaged, but none of prosecutor Adam Yale Gerol's witnesses stated a claim against me or stated that I injured any person or damaged any property.

325. In fact, the expert witness for the "STATE", Cheri Hippenbecker, attorney at law of Knight Barry Title, Inc. testified that if she came across my Confirmation Deed in a title search, **she would ignore it**.

326. Hippenbecker was the "best" witness Gerol had, and her testimony exonerated me of any wrongdoing.

327. Therefore it is no surprise that I was denied the right to confront my accuser(s), **BECAUSE THERE WEREN'T ANY**, other than prosecutor Adam Yale Gerol, and he had my subpoena of him quashed.

6th DW-1 Sixth Amendment: Denial of Witnesses for Defense of Natural Person

328. "In all criminal prosecutions, the accused shall enjoy the right … to have compulsory process for obtaining witnesses in his favor." Compulsory process is **MEANINGLESS** when the "judge" quashes the subpoenas.

329. I was held incommunicado in the Ozaukee County jail beginning about September 23, 2015, in solitary confinement, without assistance of counsel, when on or about November 12, 2015 I received a copy of the court record from a friend indicating that Gerol ("STATE") had filed his witness list on November 3, 2015.

330. Gerol had **NOT** sent me a copy of his witness list.

331. On November 12th a sheriff's deputy kindly provided me an envelope with which I mailed my witness list prepared on an inmate's "request" form to the clerk of court.

332. My witness list was: "All witnesses on Plaintiff's list submitted 11-03-15 PLUS Ronald A. Voigt; Mary Lou Mueller; Adam Y. Gerol; Sandy A. Williams; Robert C. Braun." I submitted a witness list dated January 12, 2016 adding Jeff Taylor after receiving Gerol's witness list.

333. In a "hearing" on January 20th, 2016, TEN (10) days before the "trial" was to begin, I was handed the "Amended State's Witness List" adding **Rhonda Gorden**, Cheri Hipenbecker, Karen Keller, **Karen Makoutz**, and my 91 year old mother, Betty Magritz. Gerol had filed the witness list but had not provided me a copy. I then had Makoutz, Hipenbecker, and Dennis E. Kenealy, Rhonda Gorden's supervisor, subpoenaed.

Subpoenas Quashed; Witness for Defense Denied

Karen Makoutz – Quashed

334. Gerol **subpoenaed** Makoutz. I thereupon subpoenaed her for my defense.

335. Gerol **had my subpoena quashed** by Williams.

336. Gerol has the "right" to subpoena whoever he wants, but in the eyes of Williams and Gerol, I have no rights, contrary to the Sixth Amendment, as purviewed through the 14th Amendment.

337. This quashing by Williams and Gerol is **NOT** just a "double-standard, it is treachery.

338. **This is a prime example that Gerol's suit was a malicious prosecution under color of law, and in fact, a persecution**.

Dennis E. Kenealy, Supervisor of Rhonda Gorden – Quashed

339. Gerol subpoenaed **Rhonda Gorden**, who was the assistant to Ozaukee County corporation counsel Dennis E. Kenealy at the time Kenealy removed my Answer from the court file to his unlawful lawsuit resulting in a fraudulently obtained "default" judgment. Gorden replaced Kenealy after I sued him, Williams, Gerol, et al. in 2012 in federal court.

340. I subpoenaed Kenealy instead of Gorden, who had been deceitfully characterized on Gerol's witness list as "Child Support Administrator".

341. Gerol had my subpoena quashed by Williams.

342. If Gerol can subpoena the "underling" Gorden for the prosecution, why can't I subpoena the "boss" for my defense?

6th DW-2

343. Does only Gerol, acting under color of law, have a right to have witnesses?
344. The reason is obvious.
345. Gerol's suit was a malicious prosecution designed to imprison me. In the eyes of Williams and Gerol, I have no Rights, contrary to the Sixth and Fourteenth Amendments.
346. The quashing of my subpoena of Kenealy, just like the quashing of my subpoena of Makoutz was not merely a double standard. It was treachery.
347. This is another prime example that Gerol's suit was a malicious prosecution under color of law, and in fact, a persecution.

Mary Lou Mueller – Quashed.

348. Mary Lou Mueller, clerk of court, is charged with the safe keeping of documents with the court.
349. Mueller is the person to question how exonerating evidence, my Affidavits titled "12/09/2011 Report of Criminal Activity By Victim/Witness" could be removed from behind the locked doors and thereafter concealed from the court, especially in view of the fact that the other documents I reported missing mysteriously "reappeared" in the file as copies of the originals.
350. Mueller is the person to question why was this instant matter being heard by Williams, who I had accused of misprision of felony in my aforesaid Criminal Report and sued in federal court.
351. Mueller is the person to question why was my "Verified Motion For A Determination of Probable Cause" heard by embroiled Williams instead of a neutral, unbiased judge?
352. Mueller could have produced scanned copies of my exonerating Criminal Report, had Williams, embroiled and biased, not been able to cover up her own malversation.

Adam Y. Gerol – Quashed

353. Some questions I was prevented from asking Gerol that only he could answer since they dealt with what was in his mind and what he was thinking, because my subpoena was **quashed**:

- Why did he not withdraw the "Criminal Complaint" when he acquiesced that he had a duty to do so after he had knowledge it was based on the FALSE statement of Ronald Voigt, to wit, "There is no such thing as a Confirmation Deed."
- Why did he not correct Voigt at the Preliminary Hearing when Voigt gave false testimony that Gerol KNEW WAS FALSE, to wit: "Confirmation Deed is an unknown title for a document."
- Why did he institute his action when he knew – as he admitted to attorney Schmaus at a hearing in my presence – that I had been aggrieved and knew that I had been seeking redress of grievances?
- Why did he institute his action when he knew I had the Constitutionally secured Right to petition government for redress of grievances?
- Why did he institute his action based upon a judgment that he KNEW had been obtained by Fraud Upon the Court?

6th DW-3

- Why did he institute his action when he KNEW that I had been petitioning for redress of grievances to the sheriff, to him as district attorney, to the court ("assigned" to embroiled Williams), and to the entire county Board of Supervisors by way of a notary public during August, September, October and November of 2011?
- How could he claim to be unbiased when I had filed a criminal accusation against him with Governor Scott Walker, Attorney General J.B. Van Hollen, et al., and sued him in federal court for breach of fiduciary duty for retaliation against a victim of crime?
- What knowledge does he have regarding my TWICE filed with the court and Twice removed and concealed affidavit charging him with malversation?

Sandy A. Williams – Quashed

- How and why did she, in August of 2011, after I filed a criminal accusation against her for misprision of felony, "hear" my "Verified Motion For A Determination of Probable Cause" of my Criminal Report which named her, instead of a neutral, unbiased judge?
- How could she sit in judgment of me as a neutral, unbiased judge when I had filed a criminal accusation against her with Governor Scott Walker, Atty. Gen. J.B. Van Hollen, et al?
- How could she sit in judgment of me as a neutral, unbiased judge when I had sued her in federal court for breach of fiduciary duty for misprision of felony?

Robert C. Braun – Ordered Off Witness Stand While Testifying for the Defense

354. Perhaps 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.

355. Braun is in his 80's, is a "veteran" in the civil rights arena, and has decades of experience in examining court files.

356. Based upon the court's file documents provided to me by attorney Gary Schmaus and his assurance that he had given me copies of EVERYTHING in the court file, I prepared an affidavit of missing documents identifying ten (10) documents I had filed on four (4) different dates totaling twenty-seven pages.

357. I wrote a friend requesting the assistance of Braun, to wit, if he would be willing to examine the court file and compare the contents with my affidavit to see which documents were still missing, if any.

358. This request to Braun was made after I had made an explicit record at the October 15, 2015 Arraignment that my documents had been removed from the court file, and their removal and concealment was a felony.

359. Braun examined the court file in Ozaukee County case no. 2011CF236 and filed his own affidavit that my TWICE filed "Criminal Complaint" exonerating me from any wrongdoing titled "12/09/2011 Report of Criminal Activity By Victim/Witness" and the cover letters such as the one to Governor Scott Walker, et al. were still missing.

360. The missing exonerating "Criminal Complaint" evidenced that I was aggrieved, was seeking redress of grievances, corporation counsel Dennis Kenealy committed Fraud Upon the Court by removing and concealing my Answer to his Complaint from the court file, thereby obtaining a

6th DW-4

VOID "default" judgment which Gerol was using as the foundational premise of his Criminal Complaint, Gerol's Criminal Complaint was a sham, a false document, Gerol's prosecution was malicious and without foundation, and Sandy A. Williams committed misprision of felony.

361. When Braun testified during the trial, I had asked him perhaps three questions when Williams, perceiving my defense which would exonerate me, of being aggrieved and petitioning government for redress of grievances, **ORDERED** witness Braun off the witness stand.

362. In addition to violating my secured Right to have witnesses in my favor, Williams: 1) Denied me the right to defend myself; 2) tampered with the jury; 3) Displayed her bias and prejudice against me; 4) Denied me a fair trial; 5) knowingly suppressed exonerating evidence; 6) Denied me a full hearing; 7) Denied me due process.

Adam Yale Gerol Reveals His Dark Side

363. Gerol subpoenaed my 91 year old mother, great grandmother Betty Magritz. What could she testify to? Only the following:

364. I am her number one son; 2) She sold me the property; 3) She signed the two original deeds in 1990 and the correction deed in 2011. THAT's ALL.

365. Why would Gerol subpoena a 91 year old great grandmother, frail, having had numerous heart attacks, open heart surgery, a pacemaker, numerous strokes, numerous life-saving ambulance carries to the hospital, numerous illnesses, is almost legally blind, and has a caretaker every day to cook her meals, bathe her, etc., etc. Why?

366. Gerol's subpoena of Betty Magritz exhibits the depths of callousness and indecency that some "men" devolve to.

367. There apparently is no level TOO LOW to which Gerol will stoop when obsessed with a malicious prosecution.

Sent **Sentence violates First and Eighth Amendments**

368. The Eighth Amendment reads: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

369. The sentence is cruel and unusual in that 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.

370. The sentence is cruel and unusual in that it was imposed upon a beneficiary of the Public Trust, a natural man not acting for or on behalf of the "defendant", and not imposed upon the defendant.

371. The sentence is cruel and unusual in that 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.

372. The sentence violates my secured First Amendment Right to petition government for redress of grievances. It presumes 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" for the Corporation "State of Wisconsin". This particular prohibition evidences the malversation, the malicious aspect of the persecution by Williams and Gerol, and their contempt for both federal and state Constitutions.

Uncon-1 **Unconstitutionality of Underlying Statute**

373. Wisconsin statute 943.60 reads: Criminal slander of title. (1) Any person who submits for filing, entering or recording any lien, claim of lien, lis pendens, writ of attachment, financing statement or any other instrument relating to a security interest in or title to real or personal property, and who knows or should have known that the contents or any part of the contents of the instrument are false, a sham or frivolous, is guilty of a Class H felony.

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

A.

374. **The Statute lacks a mens rea element**, or "guilty mind", therefore it is unconstitutional as a criminal statute, especially if it is attempted to be 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.

375. 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. It can be used, and was so used in Ozaukee County case no. 2011CF236 as a political act, an abusive exercise of power to punish or maliciously prosecute or persecute a person 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.

376. The legislative intent of the statute was to punish those who put liens, etc. on public officers for perceived wrongdoing. It was not intended to punish a person for correcting mistakes in his own Deeds previously recorded.

B.

377. **The statute prohibits conduct protected by the Constitution.**

378. The statute as applied in Ozaukee County case no. 2011CF236 prohibits the exercise of the 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.

379. The statute violates the First and Fourteenth Amendments. A statute which is facially invalid has no force and effect upon any person or entity regardless of the specific circumstances.

C.

380. The statute fails to provide a person of ordinary intelligence fair notice of what is prohibited, therefore it is unconstitutionally vague.

D.

381. The statute is so standardless that it authorizes or encourages seriously discriminatory enforcement, therefore it is unconstitutionally vague. The statute is subject to serious abuse under color of law, especially by a prosecutor himself embroiled in the matter for his own nonfeasance or misfeasance such as Adam Yale Gerol in Ozaukee County case no. 2011CF236.

FR-1 Fraud Upon the Court

382. The court is an honorable institution which as the vehicle for the dispensation of justice deserves the respect of the people, justice being the end goal of civilized society. The institution of the Court dates far back in recorded history to the days of Moses.

383. The presiding officer, or "judge", is not the Court. The presiding officer deserves respect based upon his or her character and conduct or behavior.

1. Prosecution Was Founded Upon Known Fraudulently Obtained Judgment.

384. Adam Yale Gerol instituted a prosecution the foundation of which was a judgment obtained by fraud upon the court. My many affidavits over the years exposing the removal of my Answer from the court file by attorney Dennis E. Kenealy resulting in a fraudulently obtained "default" judgment against my property have gone unrebutted. Perhaps no less than twenty (20) such affidavits, recorded as additional public officers became knowledgeable but failed to act, were recorded in the office of the Register of Deeds and keyed to the PIN assigned to my property.

385. Gerol refused to prosecute Kenealy claiming the statute of limitations had run out. Gerol, being highly trained in the law, knows that a judgment obtained by fraud upon the court is void ab initio. Gerol used the void judgment as the foundational premise for bringing his action in Ozaukee County case no. 2011CF236, "alleging" a slander of title when no title is conferred by the void judgment. By basing his entire prosecution upon a judgment he knew was obtained by fraud upon the court is itself a fraud upon the court.

2. Exonerating Affidavits TWICE removed from Court File and Thereafter Concealed.

386. I filed ten (10) documents on four (4) different days during the months of December 2011 and January 2012, totaling twenty-seven (27) pages. Most vital was my "Criminal Complaint" titled "12/09/2011 Report of Criminal Activity By Victim/Witness" filed TWICE, first on December 9, 2011 (entered 12/12/2011 on court record) and again on January 5, 2012. After I reported their "removal" at the October 15, 2015 Arraignment, photocopies, apparently from scanning the originals when filed, of the missing documents mysteriously appeared in the court file, but my **TWICE filed "Criminal Complaint" remained missing**.

387. Removal of court documents from the court file is a felony.

388. **Removal of my exonerating Affidavits from the court file is Fraud Upon the Court**.

3. Subornation of False Testimony.

389. At the preliminary hearing on October 2, 2015 Adam Yale Gerol solicited the following false testimony from witness Ronald A. Voigt, Register of Deeds: "Confirmation Deed is an unknown title for a document." Gerol had known for **FOUR (4) YEARS** that Voigt's statement was **FALSE** since I had provided case law by Affidavit (obtained from Westlaw) to Gerol, personally on January 10, 2012, and **TWICE** to the court – my aforesaid "Criminal Complaint – in December 2011 and January 2012, that Voigt's statement was **FALSE**. See discussion herein and Exhibits D and C, incorporated herein by reference. Gerol's subornation of false testimony is Fraud Upon the Court by an officer of the court which makes **VOID** the entire proceedings and Judgment issued therefrom.

FR-2

4. Williams Refusing To Hear My Plea at Arraignment; and Enters a "Liar's Plea"

390. After Williams denied my repeated demand for Assistance of Counsel, she backed me into a corner and demanded I enter a plea.

391. I entered a plea of **Nonassumpsit by Way of Confession and Avoidance**. I said it loud and clear so that even one seated at the back of the courtroom would hear it. **I said it three (3) times so there could be no mistake** of what I pled. I demanded that Williams hear my plea immediately.

392. Williams stated she found that the defendant stood mute, and entered a "Not Guilty" plea for the "defendant." This is a **fraud upon my natural person and a Fraud Upon the Court**.

393. After Williams entered the "Liar's Plea" I repeated my plea and my demand **to have it heard**. **Williams denied me Due Process** by refusing to hear my plea.

394. If I am the "defendant" or acting on behalf of the "defendant," **then hear my plea**. If I am a man, a beneficiary of the Public Trust, and enter a plea for my natural person, **then hear my plea**. If I am not the "mute" defendant or acting on behalf of the "mute" defendant, then set me, the natural person, at liberty.

395. Williams can not have it both ways. Either I am the "defendant" or I am not the "defendant". She can **NOT** have her cake and eat it too. It is that simple.

396. By refusing to hear my plea **Williams denied me the ability to defend myself or "present a defense", denied me due process, and committed FRAUD upon the Court**.

397. By entering her own plea of "Not Guilty", Williams fraudulently created an **ostensible CONTROVERSY**, without which no court can act.

5. Gerol's Motion At Trial

398. Gerol's motion at trial to prevent my "12/09/2011 Report of Criminal Activity By Victim/Witness" from being introduced and exhibited, after Gerol had acquiesced to the substance thereof, see section herein (CJP-4) titled "January 10, 2012 Petition Gerol for Redress of Grievances: Gerol's Acquiescence, Denial of Remedy, Denial of Due Process, and Fraud Upon the Court", incorporated herein by reference, is **Concealment from the jury of exonerating evidence**, **jury tampering**, **preventing me from presenting a defense**, **a due process violation**, **and Fraud Upon the Court**.

6. Williams preventing my "Criminal Report", TWICE removed from the court file, to be entered as an exhibit

399. Williams, upon motion by Gerol, prevented me from offering an exonerating exhibit, my "Criminal Report" titled "12/09/2011 Report of Criminal Activity By Victim/Witness", and from questioning the witnesses, especially Ronald A. Voigt, Jeff Taylor, and Robert C. Braun, with respect thereto.

400. This is my Affidavit **TWICE** filed, December 2011 and January 2012, and **TWICE** removed from the court file and thereafter concealed by "unknown" named person(s) with both opportunity and motive to remove files from behind the locked doors of the clerk of court.

401. Concealing exonerating evidence from the Court and from the jury is not only jury tampering, preventing me from presenting a defense, denying me a fair trial, denial of due process, but it also is Fraud Upon the Court by an officer of the court.

OJ-1 Williams, Gerol, Mueller Obstruct Justice and Evidence that Plaintiff was NOT the "Defendant" in Ozaukee County case no. 2011CF236

402. The commissions or omissions by state actors Sandy A. Williams, Adam Yale Gerol, and Mary Lou Mueller, Clerk of Court, not only obstructed justice for Plaintiff, but also corroborate that I, Steven Alan Magritz, Plaintiff herein, was **NOT** the "defendant" nor acting for or on behalf of the defendant in Ozaukee County case no. 2011CF236, in a corporate jurisdiction foreign to the Constitution of the state of Wisconsin, 1848 A.D. which created the Public Trust of which I am a beneficiary.

403. I did not see, nor was I ever presented with, a document created by any state actor bearing my name, Steven Alan Magritz. The aforesaid state actors used a transmogrification, STEVEN A MAGRITZ, in a deceitful and unlawful attempt to impose their will and foreign jurisdiction upon me. I did not receive, in any name, the indicated items set forth below.

404. The commissions or omissions are set forth below their respective name:

Mary Lou Mueller

405. I did not receive Notice of the "Preliminary Hearing" held October 2, 2015.

406. I did not receive Notice of the "Arraignment" held October 15, 2015.

407. On November 16, 2015 I mailed a witness list for the defense of my natural person, not the "defendant", to Mueller, and requested she time and date stamp the enclosed copy and return it to the name and address on the envelope. I also requested a copy of Gerol's witness list. Had I been the defendant, Mueller should have honored my request. However, Mueller sent me an extortion letter stating I had to pay, thus evidencing I was NOT a party to Gerol's action, i.e., **NOT** the defendant.

408. The "judgment of Conviction" signed by Mueller does **NOT** bear my name.

Adam Yale Gerol – items NOT received from Gerol; Required if Defendant.

409. **I did not receive a copy of the "Exhibit List" shown as "10-02-2015" on the court record of events**.

410. I did not receive a copy of the "Information" prior to the hearing on 10/15/2015.

411. I did not receive a copy of Gerol's Witness List shown on the court record as filed 11-03-2015.

412. I did not receive the "STATE'S" discovery material.

413. I did not receive a copy of Gerol's amended witness list shown on the court record as filed January 15, 2016, until I was surprised with it on January 20th at a court hearing.

414. Gerol's first witness list and the "discovery" material was provided to me by Gary Schmaus, who was not my stand-by counsel, weeks after he had received it. **IF I had been the defendant**, "pro-se", Gerol had to provide these items.

OJ-2

Sandy A. Williams

415. Williams adamantly DENIED me assistance of counsel as set forth elsewhere herein ("arraignment hearing"). I, a man, in my natural person, have a constitutionally secured right to assistance of counsel of my choice. Lack of counsel of choice can be conceivably even worse than no counsel at all, or having to accept counsel beholden to one's adversary.

416. Only an artificial entity such as the "defendant" in Gerol's action needs an attorney to represent it. Williams therefore appointed Gary R. Schmaus as "stand-by" for the defendant as a **stage prop**. I did not accept Schmaus as "stand-by" for myself, as I indicated at the "arraignment". Williams could appoint whoever she wanted for the "defendant" as I had no interest in said "defendant".

417. After I entered a "plea" of "Nonassumpsit by way of Confession and Avoidance", saying it three (3) times **LOUD** and **CLEAR** so everyone in the room could hear, for my natural person, not the "defendant", Williams stated, "Based upon the defendant's response the Court will take that as the defendant standing mute and enter a not guilty plea." (10/15/2015, transcript) (n. 1)

418. Williams thus recognized that I was **NOT the defendant**, and, the tribunal did **NOT**

419. **have personal jurisdiction** over my natural person.

420. At the same time, Williams denied me the right to defend my natural person and

421. **obstructed justice**.

- n. 1. By entering a plea of "Not Guilty", Williams **FRAUDULENTLY CREATED an OSTENSIBLE CONTROVERSY**, without which no court can act.

Request For Remedy

I request the Court forthwith Order that:

1. I, Steven Alan Magritz be immediately set at liberty;
2. I be provided carriage to my destination of choice in Wisconsin;
3. The record of conviction be expunged;
4. Compensation for false imprisonment;
5. All other additional and lawful and/or equitable remedy the court has authority to provide.

I, Steven Alan Magritz, declare under the pains and penalties of perjury of the laws of the United States of America that the foregoing facts are true and correct, and as for any statements made upon information, reason or belief, I believe and so charge them to be true and correct. Executed this January 24th, 2017 A.D.
By: Steven Alan Magritz

State of Wisconsin)
) ss
Dane County)

I, the undersigned notary public in and for the State of Wisconsin, certify that Steven Alan Magritz, being duly sworn upon oath, did appear before me and in my presence did affix his seal to this petition for habeas corpus ad Subjiciendum at Oregon, Wisconsin on this the 24th day of January, 2017 A.D.

_____
Notary Public: Sara Farnsworth
My Commission expires 04/21/18