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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

Steven Alan Magritz,
Petitioner

v.

JON E. LITSCHER,
Respondent

2018 JUL 20 A 9: 21
Case No. 18-C-0455
STEPHEN C. DRIES
CLERK

**STATEMENT OF FACTS IN SUPPORT OF PETITIONER'S
MOTION FOR SUMMARY JUDGMENT, Civil L. R. 56(b)(1)(C)**

I, Steven Alan Magritz, Petitioner in the above captioned matter, being over twenty-one years of age, of my first-hand personal knowledge, willing, able, and competent to testify to the facts stated herein, declare that the following facts are true, correct, complete, certain, and not made with the intent to mislead.

The following evidentiary facts are set forth with respect to the claims of judicial bias of "judge" Sandy A. Williams, Dkt. 1:9 ¶ IV, and denial of assistance of counsel, Dkt. 1:11 ¶ IV, in my petition for habeas corpus ad subjiciendum.

My Affidavit of Bias with exhibits A – G in support of the Brief in Opposition to Respondent's Motion To Dismiss, Dkt. 9, was filed on July 12, 2018, and is incorporated by reference as if fully set forth herein. The affidavit is referenced as "Bias p. 'X'" and the exhibits thereof are referenced as "Bias Ex. 'Y'".

1. On October 20, 2003 I filed a "criminal complaint" titled "Affidavit of Criminal Report and Probable Cause By Witness and Victim of Criminal Activity" with then

Ozaukee County District Attorney Sandy A. Williams reporting crimes committed against me by attorney Dennis E. Kenealy. Dkt. 1:9 ¶ IV; Dkt. 1-3:8; Dkt. 1-4:9.

2. In a responsive letter dated October 30, 2003 Williams refused to prosecute Kenealy for his crimes against me. Dkt. 1:9 ¶ IV; Dkt. 1-3:9; Dkt. 1-4:9.

3. On July 13, 2011, I filed a “criminal complaint” titled “Report Of Criminal Activity By Victim/Witness” regarding Kenealy’s crimes with both Ozaukee County Sheriff Straub and District Attorney Adam Y. Gerol, Williams’ former assistant who replaced Williams when Williams became a judge. Dkt. 1:10 ¶ IV; Dkt. 1-3:9.

4. Straub refused to arrest Kenealy and Gerol refused to prosecute Kenealy. Dkt. 1:10 ¶ IV; Dkt. 1-3:9.

5. On August 1, 2011 I filed a “Verified Motion For Determination of Probable Cause” in Ozaukee County Circuit Court, which was assigned case no. 2011JD01, Dkt. 1-3:10.

6. The August 1st Verified Motion was “assigned” to none other than “judge” Sandy A. Williams, the former prosecutor who had refused to prosecute Kenealy in 2003. Dkt. 1-3:10; Dkt. 9:2 (“Bias p. 2”).

7. Williams dismissed my Verified Motion, which dismissal I Refused For Fraud on August 30, 2011 for Williams “judging her own cause” and “covering up her own dereliction of duty in 2003”. Dkt. 1-3:10; Dkt. 9:2 (“Bias p. 2”), and Dkt. 9-1:1-3 (“Bias Ex. A”).

8. Williams ignored my “Refused For Fraud”, Dkt. 9:2 (“Bias p.2”), and my accompanying updated criminal report which charged her with misprision of

felony. Dkt. 1-3:10.

9. At the sentencing hearing on February 11, 2016, case no. 2011CF236, Williams made reference to my 2011 “Refused For Fraud and, Praecepto To Sandy A. Williams”, and verbally and facially expressed her obvious displeasure. Dkt. 9:2, (“Bias p. 2”).

10. On December 9, 2011, I prepared a “criminal complaint” titled “12/09/2011 REPORT OF CRIMINAL ACTIVITY BY VICTIM/WITNESS” charging “judge” Sandy A. Williams with misconduct in public office and misprision of felony. Dkt. 1:16; Dkt. 1-3:15; Dkt. 1-4:9; Dkt. 1-4:20; Dkt. 1-4:37; Dkt. 9:2, (“Bias p. 2”).

11. My December 9th “criminal complaint” stated facts evidencing attorney Kenealy’s fraud upon the court in 2001 by: 1) removal of my Answer and Counterclaim from the court file, 2) subsequent concealment from the court, 3) false representations to the judge that I had not filed an Answer, and, 4) a “default” judgment as a result of 1), 2), and 3). Dkt. 1:6; Dkt. 1-3:15; Dkt. 1-4:19-20; Dkt. 1-4:36-37.

12. Kenealy’s 2001 judgment was obtained by fraud upon the court. Dkt. 1:18; Dkt. 1-3:8; Dkt. 1-3:15.

13. Kenealy’s 2001 “default” judgment against my property was the foundational premise of prosecutor Gerol’s December 1, 2011 Criminal Complaint. Dkt. 1-4:3.

14. Williams threatened me and gagged me from challenging or even mentioning the fraudulently obtained “default” judgment, notwithstanding a void judgment can

be attacked in any court at any time, especially when it is the foundational premise of a “complaint”. Dkt. 1:9; Dkt. 1:9; Dkt. 1:18; Dkt. 1-3:16; Dkt. 9:7-8, (“Bias p. 7-8”).

15. My December 9th “criminal complaint” attacked the very foundation of the prosecution in case no. 2011CF236, i.e., the fraudulently obtained 2001 “default” judgment. Dkt. 1:6; Dkt. 1:10; Dkt. 1:16; Dkt. 1-3:15; Dkt. 1-4:5-24, exhibits C & D.

16. My “criminal complaint” evidenced the tribunal was without subject matter jurisdiction. Dkt. 1:6; Dkt. 1:10; Dkt. 1:16; Dkt. 1-3:15; Dkt. 1-4:5-24, exhibits C & D.

17. My “criminal complaint” set forth facts which were exculpatory or exonerating. Dkt. 1:10; Dkt. 1:13; Dkt. 1:16; Dkt. 1-3:15-17; Dkt. 1-4:5-24.

18. My “criminal complaint” evidenced that I was petitioning for redress of grievances. Dkt. 1:10; Dkt. 1:13; Dkt. 1:16; Dkt. 1-3:15-17; Dkt. 1-4:5-24.

19. My “criminal complaint” evidenced that prosecutor Gerol’s “Criminal Complaint” was false. Dkt. 1:10; Dkt. 1:13; Dkt. 1:16; Dkt. 1-3:15-17; Dkt. 1-4:5-24.

20. In Gerol’s Criminal Complaint filed December 1, 2011, Ron Voigt was quoted as stating: “there is no such thing as a ‘Confirmation Deed.’” Dkt. 1:16; Dkt. 1-4:4.

21. My December 9th “criminal complaint” filed with the court on December 12, 2011 and again on January 5, 2012, evidenced with citations from Westlaw that Voigt’s statement that, “there is no such thing as a ‘Confirmation Deed’”, was false. Dkt. 1:16; Dkt. 1-4:10.

22. Voigt’s false “fact” was the only allegation of “fact” that recording my Confirmation Deed was a wrongful act. Dkt. 1:16; Dkt. 1-3:12-13.

23. My “criminal complaint” evidenced that Sandy A. Williams committed misprision of felony. Dkt. 1:10; Dkt. 1:13; Dkt. 1:16; Dkt. 1-3:15-17; Dkt. 1-4:5-24.
24. My “criminal complaint” evidenced that the prosecutor was retaliating against me, a victim and witness of crime. Dkt. 1:10; Dkt. 1:13; Dkt. 1:16; Dkt. 1-3:15-17; Dkt. 1-4:5-24.
25. My December 9th “criminal complaint” was filed in case number 2011CF236 on December 12, 2011. Dkt. 1:16; Dkt.1-3:15; Dkt. 1-4:5-11; Dkt. 1-4:16-22; Dkt. 1-4:33-39; Dkt. 9:3, (“Bias p.3”).
26. My December 9th “criminal complaint” filed on December 12, 2011, was “removed” from the court file from behind the locked doors of the clerk of court and thereafter concealed from the court and the jury. Dkt. 1:16; Dkt. 1-3:16-17; Dkt. 1-3:24; Dkt. 9:3, (“Bias p. 3”).
27. My December 9th “criminal complaint” was filed a second time in case number 2011CF236 on January 5, 2012. Dkt. 1:16; Dkt. 1-3:15; Dkt. 9:3, (“Bias p. 3”).
28. My “criminal complaint” filed on January 5th also was “removed” from the court file from behind the locked doors of the clerk of court and thereafter concealed from the court and the jury. Dkt. 1:16; Dkt. 1-3:16; Dkt. 1-4:58; Dkt. 9:3, (“Bias p. 3”).
29. My December 9th “criminal complaint” was served on prosecutor Gerol on January 10, 2015, when I noticed him that his Complaint filed on December 1, 2011 in case no. 2011CF236 was false and petitioned him for redress of grievances. Dkt. 1:16; Dkt. 1-3:17-18; Dkt. 1-4:12-24.

30. At the “arraignment” hearing before “judge” Williams on October 15, 2015, I swore in and gave “testimony” under the pains and penalty of perjury reporting to the court that my twice filed “criminal complaint” was “missing” from the case file. Dkt. 1-3:24-25; Dkt. 1-4:49-50; Dkt. 1-4:60-61.

31. “Judge” Sandy A. Williams and prosecutor Adam Yale Gerol had the means, motive, and opportunity to remove from the court file and conceal my twice filed “criminal complaint”. Dkt. 1:9; Dkt. 1:10; Dkt. 1-3:5; Dkt. 1-3:17; Dkt. 9:3-4, (“Bias p. 3-4”).

32. The “removal” and “concealment” of my documents from behind the locked doors of the clerk of court in case no. 2011CF236 parallels the “removal” and “concealment” of my Answer and Counter-Claim in 2001 by attorney Kenealy, an associate of both Sandy A. Williams and Adam Yale Gerol. Dkt. 1:6; Dkt. 1-3:7-8.

33. Williams threatened and gagged me from mentioning, bringing up, referring to, or testifying about my “criminal complaint” or the contents thereof. Dkt. 1:9; Dkt. 1:9; Dkt. 1:18; Dkt. 1-3:16; Dkt. 9:7-8, (“Bias p. 7-8”).

34. Williams stopped me from entering my “criminal complaint” as an exhibit at trial. Dkt. 1: Dkt. 1-3:16; Dkt. 9:3, (“Bias p. 3”).

35. Williams ordered my witness, Robert C. Braun, off the witness stand as he was testifying in my defense regarding my “criminal complaint”. Dkt. 1:13; Dkt. 1-3:29-30; Dkt. 1-4:27-39.

36. On May 15, 2012, I had filed a lawsuit against Sandy A. Williams for Breach of Fiduciary Duty in federal court in the District of Columbia, Case No, 1:12-cv-00806-

EGS. Dkt. 1:9; Dkt. 1:10; Dkt. 1-3:20-21; Dkt. 9:4, (“Bias p. 4”); Dkt. 9-3 (“Bias Ex. C”).

37. My December 9th “criminal complaint” was one of the exhibits in my federal lawsuit against Williams, Exhibit N. Dkt. 1-3: 22; Dkt. 1-4:33-39.

38. Since 2013 Sandy A. Williams has been featured as a corrupt attorney, corrupt judge, and corrupt public officer on the OzaukeeMob.org website at <https://www.ozaukeemob.org/evil-sandy-a-williams.html>. Dkt. 1:10; Dkt. 1-3:20-21; Dkt. 1-3:29; Dkt. 9:4, (“Bias p. 4”).

39. At the sentencing hearing on February 11, 2016, Williams made reference to being “featured” with her picture on the Ozaukee Mob website, and verbally and facially expressed her obvious displeasure. Dkt. 1:10; Dkt. 9:4, (“Bias p. 4”).

40. I was not given notice that correcting my previously recorded property deed could or would be construed as a “crime”. Dkt. 1:7-8; Dkt. 1-3:13-14.

41. I was not given notice that my petitioning for redress of grievances by recording a correction deed could be converted into a “crime”. Dkt. 1:7-8; Dkt. 1-3:11-12.

42. I was arrested without a warrant. Dkt. 1:9; Dkt. 1:19; Dkt. 1-3:5; Dkt. 1-3:19.

43. The entire time I was held in the Ozaukee County Jail, almost five months, I was held incommunicado, in solitary confinement. Dkt. 1-3:19; Dkt. 9:4, (“Bias p 4”).

44. During the months I was held in jail, I was not allowed a single phone call, not even one phone call to a lawyer. Dkt. 1-3:19; Dkt. 9:4, (“Bias p 4”).

45. On October 2, 2015, I was shackled hand and foot, immobilized in a wheelchair, and taken without notice for a surprise preliminary hearing (“prelim”) before “judge” Williams. Dkt. 1:9; Dkt. 1-3:20-21; Dkt. 9:6, (“Bias p. 6”).

46. I did not have assistance of counsel at the preliminary hearing. Dkt. 1-3:21.

47. Prosecutor Gerol elicited false testimony from his witness, Ronald A. Voigt, at the preliminary hearing. Dkt. 1:10; Dkt. 1-3:20-22; Dkt. 9:6, (“Bias p. 6”).

48. My December 9th “criminal complaint”, filed with the court on December 12, 2011, and January 5, 2012, served on prosecutor Gerol on January 10, 2012, and served again on both Williams and Gerol in May of 2012 when I sued both of them in federal court, bore witness to the fact that Gerol’s elicited testimony from Voigt on October 2, 2015, was false. Dkt. 1:10; Dkt. 1:16; Dkt. 1-3:20-22; Dkt. 1-4:13-14; Dkt. 1-4:21; Dkt. 9:6, (“Bias p. 6”).

49. At the October 2, 2015 preliminary hearing, prosecutor Gerol elicited the following testimony from Ron Voigt: “Confirmation deed is an unknown title for a document.” Dkt. 1:16; Dkt 1-3:21.

50. Ron Voigt’s testimony that: “Confirmation deed is an unknown title for a document” is false. Dkt. 1:16; Dkt. 1-3:21-22.

51. Gerol failed to correct or question Voigt’s false statement. Dkt. 1-3:22.

52. Gerol, who moved the court to prevent me from mentioning or testifying regarding my “criminal complaint”, and, from introducing it as an exhibit in my defense, knew or should have known since December 12, 2011, that Voigt’s testimony was false. Dkt. 1:16, Dkt. 1-3:21.

53. Based upon the facts stated in my December 9th “criminal complaint”, which was twice filed with the court, twice “removed” and thereafter remained “missing”, was served on Williams when I sued her in federal court, and which Williams gagged me from even mentioning in the proceedings, Williams knew or should have known that Gerol’s elicited testimony from Voigt was false. Dkt. 1:10; Dkt. 1:16; Dkt. 1-3:22; Dkt. 1-4:10; Dkt. 9:6, (“Bias p.6”).

54. Williams “found” Voigt’s false testimony was “sufficient” to bind-over for trial. Dkt. 1:10; Dkt. 1-3:22; Dkt. 9:6, (“Bias p. 6”).

55. At the preliminary hearing Williams stated she would appoint a standby counsel for the “defendant” and would reopen the “prelim” if the standby counsel wanted it reopened. Dkt. 1:17; Dkt. 1-3:23; Dkt. 9:6, (“Bias p. 6”).

56. After Williams’ appointed standby counsel Gary R. Schmaus, Schmaus requested in writing to reopen the preliminary hearing. Dkt. 1:17; Dkt. 1-3:23; Dkt. 9:6, (“Bias p. 6”).

57. Williams refused to reopen the preliminary hearing for Schmaus. Dkt. 1:17; Dkt. 1-3:23; Dkt. 9:6, (“Bias p. 6”).

58. Shortly before the October 15, 2015 “arraignment” hearing I was visited for the first time, for a mere 15 minutes, by attorney Gary R. Schmaus, who had been appointed by Williams as stand-by counsel for the “defendant”. Dkt. 1-3:23.

59. I informed Schmaus that I did not accept Schmaus as stand-by counsel. Dkt. 1-3:23.

60. Schmaus handed me 34 pages which constituted my petitioning for redress of

grievances via notary public Kracunas from August through November of 2011, and stated that those were ALL of my papers filed in the court case file. Dkt. 1-3:23.

61. I informed Schmaus that there were a number of documents “missing”, most notably my December 9, 2011 Affidavit / “criminal complaint” titled “12/09/2011 Report of Criminal Activity By Victim/Witness” filed first in December 2011 and then again on January 5, 2012. Dkt. 1-3:24.

62. Schmaus assured me that he had given me copies of ALL of the documents that were in the court file. Dkt. 1-3:24.

63. I had an outside third party send me copies of my papers 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, most notably my exonerating and exculpatory Affidavits / “criminal complaints”. Dkt. 1-3:24.

64. At the October 15, 2015 “arraignment” hearing, of which I did not receive notice, I informed the tribunal that I was reporting felonies to the court of the removal and concealment of court documents, most notably those implicating Williams in misprision of felony. Dkt. 1-3:24; Dkt. 1-4:58.

65. Following the October 15th “hearing”, *scanned* copies of many of my “missing” documents “appeared” in the case file. However, my TWICE filed and TWICE REMOVED Report of Criminal Activity charging attorneys Williams, Gerol, and Kenealy with crimes remained “missing” from the court file. Dkt. 1-3:24.

66. At the “arraignment” hearing on October 15, 2015, I swore myself in, stated I did not have notice of the preliminary hearing, and demanded that Voigt be recalled

so I could question him. Dkt. 1:15; Dkt. 1-3:23; Dkt. 1-3:26; Dkt. 1-4:52; Dkt. 9:6, (“Bias p. 6”).

67. Williams refused to recall Voigt. Dkt. 1:15; Dkt. 1-3:23; Dkt. 1-4:52; Dkt. 9:6, (“Bias p. 6”).

68. I did not have assistance of counsel at the “arraignment” hearing. Dkt. 1:11; Dkt. 1-3:25; Dkt. 1-4:31-32; Dkt. 1-4:49-61.

69. At “arraignment” I stated on the record that attorney Schmaus did not represent me and that I did not accept him. Dkt. 1:11; Dkt. 1-3:25; Dkt. 1-4:49-51.

70. At “arraignment” I demanded assistance of counsel at least six times. Dkt. 1:11; Dkt. 1-3:25; Dkt. 1-4:49-51.

71. Williams denied my every demand for assistance of counsel. Dkt. 1:11; Dkt. 1-3:25; Dkt. 1-4:49-51.

72. At the end of the “arraignment” hearing, in the very last paragraph of the transcript, Williams acknowledged on the record that I did not have assistance of counsel. Dkt. 1-4:61.

73. At no time during the proceedings, from the day of my arrest, through the preliminary hearing, through arraignment, through other hearings, through trial, through sentencing, up to and including the day I was transported to prison, did I have assistance of counsel, nor was I represented by a lawyer, nor was I represented by an attorney. Dkt. 1:11.

74. Williams denying me assistance of counsel evidences her bias in that she was executing a personal vendetta against me for exposing her corruption. Dkt. 1.

75. Williams, knowing that I did not have an attorney or assistance of counsel and had demanded assistance of counsel at least six (6) times, which Williams had repeatedly denied, “demanded” that I enter a plea to the “information” which had just moments before been shoved in front of me. Dkt. 1-3:26.

76. After denying me the opportunity to question Voigt and denying me assistance of counsel, a piece of paper was slid on the table in front of me and Williams, looking at me asked, “Then sir, what is your plea to the count in the Information?” Dkt. 1:15; Dkt. 1-3:26; Dkt. 1-4:57; Dkt. 9:7, (“Bias p. 7”).

77. Having experienced the perfidy of Williams over the years, I responded for myself, the living man, exercising my inherent Right as well as duty to defend my natural person. Dkt. 1:15; Dkt. 1-3:26; Dkt. 9:7, (“Bias p. 7”).

78. I did not respond as, for, or on behalf of the “defendant” entity. Dkt. 1:15; Dkt. 1-3:26.

79. I responded loud and clear so that even those in the back of the room could hear: “Nonassumpsit, by way of Confession and Avoidance, Nonassumpsit, by way of Confession and Avoidance. I repeat, Nonassumpsit, by way of Confession and Avoidance, and I demand you hear my plea immediately.” Dkt. 1:15; Dkt. 1-3:26; Dkt. 1-4:57; Dkt. 9:7, (“Bias p. 7”).

80. Williams said: “Based on the defendant’s (sic) response the Court will take that as the defendant (sic) standing mute and enter a not guilty plea”. Dkt. 1:15; Dkt. 1-3:26; Dkt. 1-4:57; Dkt. 9:7, (“Bias p. 7”).

81. Williams “not guilty” plea *created* an ostensible controversy, without which no court can act. Dkt. 1:15; Dkt. 1-3:26; Dkt. 9:7, (“Bias p.7”).

82. By ignoring my plea and entering her own plea for the “defendant”, Williams perpetrated a fraud against me and upon the court. Dkt. 1:15; Dkt. 1-3:26.

83. By ignoring my plea for myself, the living man, and entering her own plea for the “defendant”, Williams admitted that I was not the defendant, nor was I acting in any way for or on behalf of the defendant. Dkt. 1:15; Dkt. 1-3:26.

84. By ignoring my plea for myself, the living man, and entering her own plea for the “defendant”, Williams admitted that the court had no personal jurisdiction over me, Steven Alan Magritz, the living man. Dkt. 1:15; Dkt. 1-3:26.

85. At the “arraignment” I stated on the record that the proceedings were a “malicious prosecution” formulated by district attorney Gerol acting in conjunction with attorney Kenealy and Williams, who had covered up Kenealy’s crimes since 2002 when she was the district attorney. Dkt. 1-3:27; Dkt. 1-4:60; Dkt. 9:5, (“Bias p. 5”).

86. I further stated there was no reason for Williams to continue the coverup for Kenealy since he was exposed and had resigned after I sued him, Gerol and Williams in federal court for breach of fiduciary duty. Dkt. 1-3:27; Dkt. 1-4:60-61.

87. Williams refused to recuse herself, notwithstanding her misprision of felony being exposed on the record at “arraignment”.

88. On November 20, 2015, I executed an Affidavit regarding my “Witness List” for the defense of my natural person. In paragraph # 23 I demanded: “I DEMAND

an evidentiary hearing – immediately, before an unbiased judge, NOT Sandy A. Williams.” Dkt. 9-4:1-4, (“Bias Ex. D”), filed & certified December 16, 2015. A typed copy is also provided for this Court’s convenience. Dkt. 9:5, (“Bias p. 5”).

89. Williams denied me an evidentiary hearing and refused to recuse herself. Dkt. 9:5, (“Bias p. 5”).

90. On December 1, 2015, I executed an Affidavit stating my status, character, non-consent, false arrest, and false imprisonment; I demanded evidence of personal jurisdiction over me, and again demanded: “I demand an immediate evidentiary hearing, before an unbiased judge, NOT Sandy A. Williams.” Dkt. 9-5:1-2, (“Bias Ex. E”), see paragraph # 24, filed & certified December 16, 2015. Dkt. 9:5 (“Bias p. 5”).

91. Williams again denied me an evidentiary hearing, and again refused to recuse herself. Dkt. 9:6, (“Bias p. 6”).

92. On December 20, 2015, I executed an “AFFIDAVIT – Of Prejudice, and, of Stolen Documents”. Copies were mailed to Scott Walker, J.B. VanHollen, J. Denis Moran, Randy R. Koschnick, and the United States Attorney’s Office in Milwaukee, WI. Dkt. 9-6:1-4, (“Bias Ex. F”), filed & certified January 4, 2016. (A typed copy is also provided for this Court’s convenience.) Dkt. 9:6, (“Bias p. 6”).

93. Williams still refused to recuse herself. Dkt. 9:6, (“Bias p. 6”).

94. In the five months prior to Gerol’s December 1, 2011 Criminal Complaint, I was seeking redress of grievances to recover my property taken through the acts of attorney Kenealy in obtaining the 2001 judgment. Dkt. 1:6-8; Dkt. 1-3:7-12.

95. I sought redress from and through the sheriff, the district attorney, the court, and all of the county supervisors. Dkt. 1:6-8; Dkt. 1-3:7-12; Dkt. 1-3:23.
96. I was seeking redress from the 2001 “default” judgment which was obtained by fraud upon the court by attorney Kenealy. Dkt. 1:6-8; Dkt. 1-3:7-12; Dkt. 1-3:23.
97. The Criminal Complaint “opened the door” to challenge the foundational premise of the prosecution, which was the default judgment. Dkt. 1:18; Dkt. 1-3:16.
98. Williams issued a gag order preventing me from challenging or mentioning in any way the default judgment. Dkt. 1:18; Dkt. 1-3:7-8; Dkt1-3:15-17.
99. Williams threatened me not to challenge or mention in any way the default judgment. Dkt. 1:18; Dkt. 1-3:7-8; Dkt1-3:15-17.
100. Williams threatened and gagged me, making good on her threat by stopping the proceedings, removing the jurors at least twice, and re-threatening me. Dkt. 1:9; Dkt. 1-3:16.
101. Williams gagged me from mentioning, talking about, bringing up, or testifying that I was seeking redress of grievances and exercising my secured First Amendment rights. Dkt. 1:9; Dkt. 1-3:7; Dkt. 1-3:16.
102. Williams gagging and prohibiting me from challenging the very foundation of Gerol’s prosecution prevented me from presenting a defense, denied me a fair trial, and denied me due process,. Dkt. 1:9; Dkt. 1-3:16; Dkt. 1-3:19.
103. Williams quashed subpoenas of my witnesses for my defense, although prosecutor Gerol had the identical or similar witnesses on his witness list. Dkt. 1:9-10; Dkt. 1:12; Dkt. 1-3:27-29.

104. Prosecutor Gerol subpoenaed Karen Makoutz for the “State”. I subpoenaed Makoutz for the defense of my natural person. Dkt. 1:12; Dkt. 1-3:28.

105. Williams quashed my subpoena of Makoutz. Dkt. 1:12; Dkt. 1-3:28.

106. Williams quashing my subpoena of Makoutz is a prima facie showing that the proceedings were a malicious prosecution under color of law. Dkt. 1-3:28.

107. Gerol subpoenaed Rhonda Gorden, Ozaukee County Corporation Counsel, who was the assistant to Dennis E. Kenealy in 2001 at the time Kenealy “removed” my Answer from the court file to obtain the “default” judgment. Dkt. 1:12; Dkt. 1-3:28.

108. Gorden replaced Kenealy in 2012 after I exposed his criminal acts in my federal lawsuit filed in the District of Columbia, Case No, 1:12-cv-00806-EGS. Dkt. 1:12; Dkt. 1-3:28.

109. I subpoenaed Kenealy instead of Gorden, who Gerol had deceitfully characterized as “Child Support Administrator” instead of “Corporation Counsel”. Dkt. 1:12; Dkt. 1-3:28.

110. Williams quashed my subpoena of Kenealy. Dkt. 1:12; Dkt. 1-3:28.

111. I was denied Kenealy’s testimony that he had in his possession in his office my timely filed Answer to his complaint at the time he represented to the court that I had not answered his complaint, an admission Kenealy made to investigative reporter Gene Forte in a recorded interview which is archived at <https://www.ozaukeemob.org/investigators-reports.html>.

112. I subpoenaed clerk of court Mary Lou Mueller. Dkt. 1:12.

113. My subpoena of Mueller was quashed. Dkt. 1:12; Dkt. 1-3:28.

114. I was denied Mueller's testimony of how my twice filed exonerating and exculpatory affidavits could have been removed from her custody, from behind locked doors, without her *written* permission being evidenced in the file. Dkt. 1:12; Dkt. 1-3:28.

115. I was denied Mueller providing *scanned* copies of my "missing" affidavits which had been removed from the court file and thereafter concealed. Dkt. 1:12; Dkt. 1-3:28.

116. I was denied Mueller's testimony of how and why scanned copies of my *other* "missing" documents "appeared" in the court's file after my October 15, 2011 testimony that my affidavits were removed, but scanned copies of my exculpatory and exonerating affidavits were not placed in the file. Dkt. 1:12; Dkt. 1-3:28.

117. I subpoenaed Adam Yale Gerol. Dkt. 1:12; Dkt. 1-3:29.

118. My subpoena of Gerol was quashed. Dkt. 1:12; Dkt. 1-3:29.

119. I was denied Gerol's testimony of what was in his mind and what he was thinking when he decided to use a known void judgment to persecute me, a victim of the greatest theft of private property in the history of Ozaukee. Dkt. 1:12; Dkt. 1-3:29.

120. I subpoenaed Sandy A. Williams. Dkt. 1:12.

121. My subpoena of Sandy A. Williams was quashed. Dkt. 1:12; Dkt. 1-3:29.

122. I was denied Williams' testimony of why she twice denied me an evidentiary hearing before an unbiased judge. Dkt. 1:12; Dkt. 1-3:29; Dkt. 9:5-6, ("Bias pp. 5-6") Dkt. 9-4:1-4, ("Bias Ex. D"); Dkt. 9-5:1-2, ("Bias Ex. E").

123. I was denied Williams' testimony of why she refused to recuse herself after she twice refused me an evidentiary hearing before an unbiased judge. Dkt. 9:5-6, ("Bias pp. 5-6").

124. I was denied Williams' testimony of why she refused to recuse herself after I filed an Affidavit of Prejudice. Dkt. 9:6, ("Bias p. 6"); Dkt. 9-6:1-4, ("Bias Ex. F").

125. I was denied Williams' testimony of why she denied me the questioning of Voigt after I had not received notice of the preliminary hearing and was taken by surprise. Dkt. 1:12; Dkt. 1:17; Dkt. 1-3:29.

126. I was denied Williams' testimony of why she refused the written request from her own appointed "stand-by" to re-open the preliminary hearing after stating on the record that she would do so. Dkt. 1:17; Dkt. 1-3:23; Dkt. 9:6, ("Bias p. 6").

127. I was denied Williams' testimony of why she entered a "Liar's Plea" of "not guilty" for the defendant (sic) after I had entered a plea of "Nonassumpsit, by way of Confession and Avoidance" for my natural self. Dkt. 1:15; Dkt. 1-3:26; Dkt. 1-4:57; Dkt. 9:7, ("Bias p. 7").

128. I was denied Williams' testimony of why she denied me assistance of counsel. Dkt. 1:11; Dkt. 1-3:25; Dkt. 1-4:31-32; Dkt. 1-4:49-61.

129. I was denied Williams' testimony regarding the "disappearance" from the file of the clerk of court, from behind the locked doors, of my twice filed December 9th

“criminal complaint” charging her with misprision of felony and evidencing that the prosecutor’s Criminal Complaint stating “there is no such thing as a Confirmation Deed” was false. Dkt. 1:16; Dkt. 1-3:16-17; Dkt. 1-3:24; Dkt. 9:3, (“Bias p. 3”).

130. I was denied Williams’ testimony of how she could avoid the “appearance of partiality” after I had filed my December 9th “criminal complaint” charging her with misprision felony with the following public officers:

Governor Scott Walker; Lieutenant Governor Rebecca Kleefisch; Senator Glenn Grothman; Representative Daniel R. LeMahieu; J. B. Van Hollen, Attorney General; A. John Voelker, Director of State Courts; J. Mac Davis, chief judge; Marylou Mueller, Clerk of Court; Paul V. Malloy, Tom R. Wolfgram, Sandy A. Williams, circuit court judges; Lt. Jeff Taylor; and *Unnamed Others*. Dkt. 1-4:7.

131. I was denied Williams’ testimony of how she could avoid the “appearance of partiality” after I had sued her in 2012 in federal court for breach of fiduciary duty arising from misconduct in public office and misprision of felony. Dkt. 1:9; Dkt. 1-3:29.

132. I was denied Williams’ testimony of how she could avoid the “appearance of partiality” after being featured as a corrupt attorney, judge, and public officer since 2013 on the www.OzaukeeMob.org website, in view of the fact that she verbally and facially expressed her obvious displeasure of being featured with her picture at the sentencing hearing on February 11, 2016. Dkt. 9:4, (“Bias p.4”).

133. Ron Voigt, Gerol’s Criminal Complaint informant who made the false statement “there is no such thing as a confirmation deed”, failed or refused to testify for the State after I exposed his false testimony and admission of committing ultra vires acts at the preliminary hearing. Dkt. 1:13; Dkt. 1-3:14.

134. I subpoenaed Voigt as a hostile witness, but about the only thing he could remember was his name. Dkt. 1-3:30.

135. When I asked Voigt a question that he couldn't answer with "I don't remember" or "I can't recall", Williams coached him from the bench and he changed his mantra to "I can't answer that". Dkt. 1-3:30.

136. Williams removed all of the prospective jurors from the courtroom during 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. Dkt. 1:9; Dkt. 1-3:27.

137. Williams refused to allow me to voir dire the prospective jurors with any question other than those fifteen she had screened and pre-approved. Dkt. 1-3:27.

138. A voir dire of jurors with only the questions selected by the "judge" is jury tampering, tampering with the jury selection process, denial of a fair trial, and denial of due process. Dkt. 1-3:27..

139. At no time was the mens rea element, or "guilty mind", the intent to create an injury or do damage to property or do harm, an absolutely necessary element of a "crime", ever mentioned by the prosecutor or by Williams. Dkt. 1:22; Dkt. 1-3:31.

140. I provided a mens rea jury instruction to Williams, but Williams "failed" or refused to instruct the jury on the necessity of their finding of mens rea. Dkt. 1-3:31.

141. Neither the "Criminal Complaint", nor the "Information", alleged any intent to commit an injury or to damage property, i.e., the existence of a criminal causation of an injury. Dkt. 1-3:32-33.

142. Neither the "Criminal Complaint", nor the "Information", alleged any injury or damage to property. Dkt. 1-3:33.

143. At no time was any injury or damage to property exhibited or shown, or set forth, or claimed, or evidenced, let alone established or proved. Dkt. 1-3:33.

144. No witness nor any person stated a claim against me or stated that I injured them or any person or damaged any of their property or the property of any person. Dkt. 1:14; Dkt. 1:25; Dkt. 1-3:27.

145. I was denied the right to confront my accuser(s), because there were no accusers. Dkt. 1:14; Dkt. 1:25; Dkt. 1-3:27.

146. I did not cause any injury to any man or to any person, nor did I cause any damage to any property, nor did I intend to cause any injury or damage any property. Dkt. 1:14; Dkt. 1:28; Dkt. 1-3:32.

147. 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. Dkt. 1:14; Dkt. 1-3:33.

148. Hipenbecker's expert testimony evidenced that there was in fact no injury or damage. Dkt. 1:14; Dkt. 1-3:33.


149. Hipenbecker's expert testimony that there was no injury or damage is a valid reason why prosecutor Adam Y. Gerol did not allege any injury or damage, or attempt to establish an injury or damage. Dkt. 1:14; Dkt. 1-3:33.

150. During the entire course of my persecution, there was never any document from the prosecutor, judge, clerk of court, sheriff, jail, county, State, or anyone else

or any entity associated with any public corporation including but not limited to "State of Wisconsin", which bore my name, Steven Alan Magritz, specifically, no warrant, no complaint, no information, no State's witness list, no letter, no communication, no judgment of conviction, - *nothing whatsoever*.

I, Steven Alan Magritz, declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed on this July 20, 2018 *A.D.*


Steven Alan Magritz

