

The state of Wisconsin ex rel Steven Alan Magritz, Victim/Witness/Affiant/Movant

Ex Parte

VERIFIED MOTION FOR A DETERMINATION OF PROBABLE CAUSE

2011 AUG - 1 PM 1:57
CLERK OF CIRCUIT COURT
OZAUKEE COUNTY

I, Steven Alan Magritz, victim and witness of crime, Affiant and Movant herein, state that I am competent and being of the age of majority affirm that my "yes" be "yes" and my "no" be "no" and that the facts stated herein are true, certain, correct, and not misleading and are made upon first hand knowledge except to those matters stated upon reason and belief which Affiant verily believes to be true. Affiant/Movant comes to this honorable Court with a Motion For A Determination of Probable Cause whether Dennis E. Kenealy has committed offense(s) for which Dennis E. Kenealy should be charged.

Affiant/Movant, who is not formally trained in the law and therefore likely lacking the ability to properly or adequately formulate a legally sufficient affidavit upon which the executive branch of government would have probable cause to either arrest or charge Dennis E. Kenealy for crimes that Affiant believes Kenealy committed, requests the assistance of this honorable Court as set forth herein below and shows the Court as follows:

1. Affiant believes that because Affiant knows of facts that appear to be criminal activity, it would be unlawful for Affiant not to report these facts to the proper authorities by way of an affidavit.

2. On May 28, 2003, Affiant executed an eleven (11) page affidavit titled “*Affidavit of Criminal Report and Probable Cause By Witness and Victim of Criminal Activity*” that was served upon the Ozaukee County District Attorney, a copy of which was subsequently served upon each member of the Board of Supervisors by Robert C. Braun who thereafter recorded said affidavit in the office of the Register of Deeds on November 2, 2004 as document number 805562.
3. The *then District Attorney failed or refused* to bring charges against Dennis E. Kenealy and wrote Affiant a letter stating that if Affiant had a complaint then Affiant should complain to the relevant police agency.
4. On July 13, 2011, Affiant personally hand served a *Report of Criminal Activity By Victim/Witness* upon Maurice A. Straub, d/b/a Ozaukee County Sheriff, a copy of which is attached hereto and incorporated herein by reference in its entirety as if fully reproduced herein.
5. Straub read Affiant’s Report and affixed his (Straub’s) signature to Affiant’s copy. Affiant asked Straub when he (Straub) was going to arrest Kenealy, to which Straub replied, “I don’t know that I am ever going to arrest Kenealy.”
6. Also on July 13, 2011, Affiant served a *Report of Criminal Activity By Victim/Witness* on the office of Adam Gerol, d/b/a Ozaukee County District Attorney. Assistant district attorney Jeffrey A. Sisley refused to provide Affiant written documentation of said service by refusing to file-stamp Affiant’s copy.
7. As of today, Maurice A. Straub has not arrested Dennis E. Kenealy based upon the *Report of Criminal Activity By Victim/Witness* attached hereto.

WHEREFORE, Affiant/Movant moves this honorable Court for a *forthwith* determination whether Affiant reported the facts and incidences set forth in the *Report of Criminal Activity By Victim/Witness* attached hereto in such a way that a reasonable person can

make a determination from Affiant's *Report* that a crime in fact has been committed, and if the Court finds Affiant's *Report* legally deficient in any respect, to assist Affiant in the preparation of a legally sufficient report.

FURTHER, Affiant/Movant moves this honorable Court for a *forthwith* determination of probable cause by a judge whether Dennis E. Kenealy has committed offense(s) for which Kenealy should be charged.

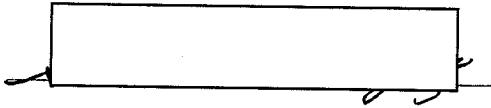
FURTHER, if this honorable Court finds there is probable cause to believe that Dennis E. Kenealy has committed an offense for which Kenealy should be charged, Affiant/Movant moves this honorable Court for an Order issued to the executive branch of government to either prosecute for the probable cause findings made by this Court or find alternative or substitute prosecutors to fulfill the duties and obligations required of that office, or in the alternative, permit your Affiant to file a Complaint against Dennis E. Kenealy pursuant to Wis. Stat. § 968.02(3).

FURTHER, Affiant/Movant/Victim/Witness moves this honorable Court for a determination of the necessity and suitability of placing Affiant in the Victim/Witness program to prevent, or lessen the opportunity of, *further* retaliation by law enforcement or other public officers or agents.

FURTHER, Affiant/Movant requests *sufficient prior notice of hearing both in writing and by telephone, with confirmation by Affiant/Movant to the court*, to assure Affiant/Movant's presence at, and participation in, any hearings.

Dated this August 7 , 2011.

As an interested party, and Victim, Witness, Movant, Non-attorney:



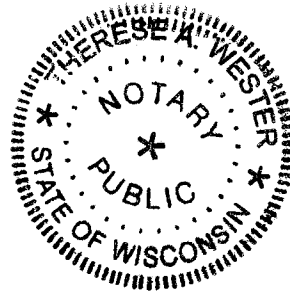
Steven Alan Magritz, Victim and Witness, Movant
(414) 502-9707
C/o Notary
P.O. Box 342443
Milwaukee, Wisconsin 53219

I, a Notary Public in and for the State of Wisconsin, certify that Steven Alan Magritz did appear before me and in my presence did affix his signature to this Verified Motion For Determination of Probable Cause, at Port Washington, Wisconsin on this the 1st day of August, 2011.

Therese A. Wester

Notary Public

My Commission Expires: 3-3-13



REPORT OF CRIMINAL ACTIVITY BY VICTIM/WITNESS

Re: Criminal Activity on the part of Dennis E. Kenealy, corporation counsel of Ozaukee County, Wisconsin

Milwaukee county)
)ss
Wisconsin)

OZAUKEE COUNTY

SHERIFF'S OFFICE

2011 AUG -1 PM 1:57

OZAUKEE COUNTY
CLERK OF CIRCUIT COURT

1. I, Affiant herein, Steven Alan Magritz, state that I am competent and being of the age of majority affirm that my "yes" be "yes" and my "no" be "no" and that the facts stated herein are true, certain, correct, and not misleading and are made upon first hand knowledge except to those matters stated upon reason and belief which Affiant verily believes to be true.

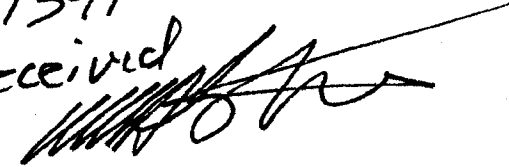
2. The following acts or omissions which occurred in Ozaukee County, Wisconsin, were knowingly and intentionally perpetrated by the Accused, Dennis E. Kenealy, with the intent to wrongfully deprive Affiant of his property valued in excess of \$700,000. The criminal acts of the Accused resulted in the taking by force of Affiant's property on October 20, 2001.

3. On February 7, 2001, the Accused, knowing that the (then existing) Taxation and General Claims Committee of Ozaukee County had no statutory authority (Wis. stats. §§ 59.02(1) and 59.52(12)) to authorize foreclosure on an alleged "tax certificate" in excess of \$10,000, intentionally, purposely, falsely represented to said Committee that said Committee had the statutory authority to authorize the Accused to file suit against Affiant and Affiant's property, in violation of Wis. Stat. § 946.12 **Misconduct in public office**.

4. On April 23, 2001, Affiant tendered payment in full, as evidenced by certified mail receipt and "green card", for the alleged tax to Ozaukee County Treasurer Karen L. Makoutz in the amount of Twenty-two thousand, six hundred thirty-four and 97/100 dollars (\$22, 634.97) by way of a certified promissory note, which was accepted by Makoutz. On or about April 23, 2001, the Accused intentionally removed Affiant's payment from the Ozaukee County Treasurer's office and thereafter concealed said payment in furtherance of Accused's scheme to steal Affiant's property, in violation of Wis. Stat. § 943.20 **Theft**.

5. On May 30, 2001, Affiant timely filed a Verified Answer and Counterclaim with the Ozaukee County Circuit Court by way of Registered United States mail RR 101 861 035 US, and, served the Answer and Counterclaim on Treasurer Karen L. Makoutz by way of Certified United States mail 7000 0520 0015 4077 0321, as evidenced by the mailing receipts and the signed "green cards".

6. On or about May 31, 2001, the Accused intentionally, purposely, in furtherance of his scheme to injure Affiant and steal Affiant's property, illegally removed, and thereafter concealed, Affiant's Answer and Counterclaim from the court files. The Accused enlisted Clerk of Court Jeffrey S. Schmidt as a party to the conspiracy, whereby Schmidt did **not** enter the receipt of Affiant's Answer and Counterclaim on the court

7-13-11
Received


record sheet or docket sheet, as evidenced by certified copy of court record, in violation of Wis. Stat. § 943.20 **Theft**, as well as in violation of Wis. Stat. § 946.72 **Tampering with public records and notices**.

7. On August 8, 2001, in a hearing before judge Joseph D. McCormack, the Accused, in furtherance of his scheme to injure or defraud Affiant and steal Affiant's property, and while in possession of Affiant's payment as well as Affiant's Answer that the Accused had stolen from the court files, intentionally, purposely, knowingly, falsely represented to the judge that Affiant had not paid the tax and falsely represented to the judge that Affiant had not filed an Answer to the Complaint, and, submitted to the judge for signing an Order and Judgment with the false representations, in violation of Wis. Stat. § 946.65 **Obstructing justice**, Wis. Stat. § 943.39 **Fraudulent writings**, Wis. Stat. § 946.12 **Misconduct in public office**, Wis. Stat. § 946.32 **False swearing**.

8. On August 10, 2001, the Accused, in furtherance of his scheme to wrongfully deprive Affiant of his property, recorded with the Register of Deeds two documents (no. 684564 and no. 684565) relating to a security interest in or title to Affiant's private property, knowing that the contents or any part of the contents were false, a sham, or frivolous, in violation of Wis. Stat. § 943.60 **Criminal slander of title**.

9. On or about September 24, 2001, the Accused, in furtherance of scheme to injure or defraud or wrongfully deprive Affiant of his property, removed and thereafter concealed, Affiant's Claim against Ozaukee County (and report of criminal activity of the Accused) that had been served upon Ozaukee County Clerk Dobberpuhl by Sheriff's Deputy G. L. Speth, in violation of Wis. Stat. § 943.20 **Theft**, Wis. Stat. § 946.72 **Tampering with public records and notices**.


10. On December 11, 2001, three others and Affiant visited the office of the clerk of court to inspect the case file to determine how judge Joseph D. McCormack could have legally granted a default judgment against Affiant when Affiant had not only filed a Verified Answer and Counterclaim, but Affiant also had paid in full the alleged taxes. Affiant confronted clerk Schmidt with the Postal Service "green card" evidencing receipt of the Answer and Counterclaim, and demanded to know why the Answer was not in the file and why the court record sheet did not reflect receipt of the Answer by the court. 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?"

11. After Affiant's December 11, 2001 confrontation with Jeffrey S. Schmidt, Affiant's Verified Answer and Counterclaim, which had been "missing" from the court file for over six (6) months, and which Dennis E. Kenealy had concealed from judge McCormack, and by which concealment Kenealy had fraudulently obtained a default judgment, mysteriously "reappeared" in the court file without any explanation whatsoever, as evidenced by court certified copies of the envelope and Answer and Counterclaim.


12. Affiant promises to work with local prosecutors prosecuting this case in bringing prosecution against the Accused, Dennis E. Kenealy.

Further Affiant saith not,

As an interested party, and Victim, Non-attorney, Witness:


Steven Alan Magritz
(414) 502-9707
C/o Notary
P.O. Box 342443
Milwaukee, Wisconsin 53219

I, a Notary Public in and for the State of Wisconsin, certify that Steven Alan Magritz did appear before me and in my presence did affix his signature to this Report of Criminal Activity By Victim/Witness, at Milwaukee, Wisconsin on this the 12 day of July, 2011.


Kenneth A. Kraucunas - Notary Public

My Commission Expires: 6-2-2013

