**AMENDED**

**Petition For Common Law Writ of Habeas Corpus Ad Subjiciendum**

**Pursuant to Article I, Section 8 of the constitution of Wisconsin, 1848 A.D.**

RE 156 385 698 US

The state of Wisconsin ex rel. Steven Alan Magritz, Petitioner, formerly restrained of liberty at Oregon Correctional Center, 5140 Highway M, Oregon, Wisconsin 53575, currently restrained of liberty in “community” custody,

vs. **Case No. 2017AP189-W**

Quala Champagne, Respondent, doing business as warden, with mailing address of 3099 E. Washington Ave., P.O. Box 7969, Madison, Wisconsin 53707, or her successor, last known to be Irene Fiacchino-Symes.

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

**Take Notice:**

1. This petition is an amendment of my original handwritten petition filed January 27, 2017. The exhibits in support of this petition are the same as those filed in January and are *incorporated herein by reference*.
2. I was not imprisoned and am not restrained of my liberty by virtue of the final judgment or order of any competent tribunal of civil or criminal jurisdiction or by virtue of any execution issued upon such order or judgment.
3. I am restrained of my liberty by reason of a personal vendetta of attorneys Sandy A. Williams, d/b/a “judge”, and Adam Yale Gerol, d/b/a “state’s attorney”, who, after being exposed by me for misconduct in public office, orchestrated a malicious prosecution and cover-up of the greatest theft of private property in the history of the county named Ozaukee perpetrated by their attorney associate, corporation counsel Dennis E. Kenealy, who stole my **private** property, 62.25 acres of land and homestead, estimated to be currently valued in excess of 1.5 million dollars, and *protected by vested ownership rights granted by the Congress of the United States of America* *prior to Wisconsin entering the Union in 1848.*
4. I filed no motion under Wis. Stat. § 974.06 inasmuch as the persecuting court of the Corporation never had or attained or obtained personal jurisdiction over me, the living man, and I do not intend to consent to said jurisdiction by “motioning” said tribunal and “waiving” want of personal jurisdiction. Further, the tribunal acted so *lawlessly* that filing a motion therewith not only would be futile but would compound the illegality.
5. If the tribunal of the Corporation named “State of Wisconsin” had jurisdiction over me, Steven Alan Magritz, the living man, then why did Williams and Gerol use the subterfuge of “charging” and prosecuting an artificial entity named STEVEN A MAGRITZ which they created by and through identity theft and transmogrification, when I, Steven Alan Magritz, signed and recorded the Confirmation Deed which Williams and Gerol claimed was a “crime”? See Exhibit A incorporated herein by reference.
6. This petition is less than 35 pages and 8,000 words.

**Amended Petition for common law writ of habeas corpus ad subjiciendum:**

1. I, Steven Alan Magritz, am a living man created in the image of God and an American National, one of the People, living on the soil of the land of my nativity, “the” state of Wisconsin, the public Trust established in 1848, one of the states of the Union of the united States of America, of which I am a beneficiary.
2. I am neither a U.S. citizen nor a resident of the bankrupt corporation named State of Wisconsin (“this” state) recognized in Wisconsin statutes 706.03(1)(b) as a subunit of “the” state, nor a bankrupt, nor a debtor, nor do I accept any disabilities or “benefits” associated with any of the aforesaid such as being forced to use legal tender.
3. I deny any and all presumptions, including but not limited to those of any public officer or officer of the court, which are not reduced to writing with express acceptance by me as evidenced by my personal hand-written signature, witnessed by two or three competent witnesses and authenticated by me in a public venue.
4. **Take Mandatory Judicial Notice:**

* Notwithstanding the **statute’s** ***purpose*** being to ***supplant*** habeas corpus, the statute [§974.06] contemplates that in certain circumstances, a prisoner’s remedy may lie in an application for habeas corpus and not in a motion for post-conviction relief under the statute. *State v. Johnson*, 101 Wis.2d 698. (definition: ***Supplant: dispossess and take the place of, esp. by underhand means***. The Oxford Dictionary, 1996.)
* **The Legislature may reasonably regulate procedure in respect to habeas corpus, but cannot restrict the common-law use of the remedy; that is preserved by the Constitution**. *Servonitz v. State*, 133 Wis. 231.
* “[T]he right to petition for **redress of grievances** occupies a ‘preferred place’ in our system of representative government, and enjoys a ‘sanctity and a sanction **not permitting dubious intrusions**’”. *United States v. Hylton*, 710 F.2d 1106, quoting *Thomas v. Collins*, 323 U.S. 516.
* “As we have made clear, the guarantee of counsel ‘cannot be satisfied by mere formal appointment,’ *Avery v. Alabama,* 308 U.S. 444, and, ‘That a person who happens to be a lawyer is present at trial alongside the accused, however, is not enough to satisfy the constitutional command...’ *Strickland v. Washington,* 466 U.S. 668. Because the right to counsel is so fundamental to a fair trial, the Constitution cannot tolerate trials in which counsel, though present in name, is unable to assist the defendant to obtain a fair decision on the merits.” [*especially when not accepted*] *Evitts v. Lucey*, 469 U.S. 387.
* “A fundamental principle in our legal system is that laws which regulate persons or entities must give **fair notice** of conduct that is forbidden or required.” *F.C.C. v. Fox Television Stations, Inc.*, 567 U.S. 239.

1. I charge attorneys Sandy A. Williams and/or Adam Yale Gerol, presiding officer and prosecutor respectively of Ozaukee County case no. 2011CF236, with acting under color of law, misprision of felony, retaliation against a victim of crime, malicious prosecution, fraud upon the court, jury tampering, conspiracy, removal from the court file from behind the locked doors of the clerk of court of exonerating or exculpatory affidavits and thereafter concealing them from the court and from the jury, and knowingly acting in defiance and denial of the federal and state constitutions.
2. I was abducted, kidnapped (see Deuteronomy 24:7) from the land and jurisdiction of my nativity and taken by force into the foreign jurisdiction of the *corporation* named “State of Wisconsin”, held for ransom, and subjected to persecution based upon identity theft, transmogrification, and a false alleged “criminal complaint”.
3. **I was not the defendant, nor the surety, nor fiduciary, nor agent, nor representative, etc., for the defendant** in Ozaukee County case no. 2011CF236, ***nor did I ever act for or on behalf of the defendant or any other artificial entity***, nor did I ever consent to the proceedings. As a living man I have acted solely to protect my God-given rights, which is both my right and my sacred duty. See Exhibit E and Exhibit I, incorporated herein by reference.
4. I have one, and only one name, which is Steven Alan Magritz. As a hostage and Third Party Intervenor I filed a claim for Remedy and Relief in case no. 2011CF236. See Exhibit J, incorporated herein by reference. I do not consent to be cast in a false light.
5. I have steadfastly maintained my innocence and did not consent to be “booked-in” under the false “name” of STEVEN A MAGRITZ, the name of an artificial entity used as an artifice to presume or pretend or obtain personal jurisdiction of the “Corporation” over me, a living man.
6. The judgment rendered by the tribunal resulting in the restraint of my liberty is void for any or all of the reasons set forth herein, including but not limited to:

* Lack of personal jurisdiction over me, the living man, Steven Alan Magritz; personal jurisdiction was never even alleged.
* Lack of subject matter jurisdiction; no injury or damage caused or even alleged.
* Estoppel by silence of prosecutor Adam Y. Gerol of prosecution.
* Unconstitutionality of statute on its face; First Amendment overbreadth doctrine.
* Unconstitutionality of statute as applied to me, Steven Alan Magritz, a man.
* Converting my secured right to petition for redress of grievances into a crime.
* Denial of due process: Violation of the principle of “Fair Notice”; biased “judge” Sandy A. Williams; obstruction of justice by Williams, Gerol, *and* the clerk of court; theft and concealment from the court file, twice, of exonerating or exculpatory affidavits; threatening and gagging by Williams; concealment from the jury of exonerating or exculpatory evidence and exhibits, and, prevented from giving testimony thereof; prevented from presenting a defense; no mens rea element of offense in statute, no mens rea alleged, no mens rea instruction given to the jury, and no mens rea existed; no notice given of hearings.
* Denial of assistance of counsel by Williams.
* Denial of witnesses for defense by Williams.
* **Fraud upon the court by Williams.**
* **Fraud upon the court by prosecutor Adam Yale Gerol.**
* State’s star expert witness, an attorney, testified there was no injury or damage, no corpus delicti, therefore no cause of action or subject matter jurisdiction.

**Plain Statement of Facts**

1. In 2001, Dennis E. Kenealy, corporation counsel for the public corporation named Ozaukee County and an associate of both Williams and Gerol, effectuated a scheme to steal my **private** property, by filing a “foreclosure” action against my private property based upon an alleged, but non-existent “tax certificate”, and without the required authorization from the county board.
2. I paid, as extortion, the monies demanded by county treasurer Makoutz, and when she refused to provide me a receipt because she had “given” my payment to Kenealy, I 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 Makoutz by way of certified United States mail # 7000 0520 0015 4077 0321.
3. Kenealy *removed* from the court file, and thereafter *concealed* my Answer, both felonies, then falsely represented to Judge McCormack that I had neither made payment nor filed an Answer to his complaint, thereby committing fraud upon the court and obtaining a void “default” judgment.
4. On or about September 24, 2001 I filed a Claim against Ozaukee County which included a report of Kenealy’s criminal activity, served on county clerk Harold Dobberpuhl by Sheriff’s deputy G.L. Speth, which Kenealy removed and concealed from the Board of Supervisors, a felony.
5. On or about October 24, 2001, as a result of the fraudulently obtained void “default” judgment, I was forcibly ousted from my federally protected private property which I had purchased on September 14, 1990.
6. I was never paid as much as a dime for my private property, which has been turned into a county park.
7. I became aggrieved, and have since that time sought redress of grievances as an unalienable Right guaranteed by the First Amendment.

**First ignored, Then Persecuted, for Petitioning for Redress of Grievances**

1. On or about 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. Williams refused to prosecute Kenealy for his criminal acts.
2. On or about July 13, 2011, I again petitioned for redress of grievances by filing an affidavit titled “Report of Criminal Activity By Victim/ Witness” with Maurice A. Straub, d/b/a sheriff, and also with Adam Y. Gerol, former assistant to Williams, now d/b/a district attorney. Straub refused to arrest Kenealy.
3. 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 former D.A. Sandy A. Williams to prosecute Kenealy, her fellow attorney.
4. Other states, such as Ohio, have recognized the reluctance state’s attorneys 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.
5. Gerol cannot claim ignorance or plausible deniability for refusal to prosecute Kenealy as he 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.”*

1. On or about August 1, 2011, I filed with the Ozaukee County Circuit Court a “Verified Motion For A Determination of Probable Cause” for a determination if my 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.
2. My Motion was assigned case no. 2011JD0001, and “assigned” ***to none other than Sandy A. Williams***, the former district attorney, now a judge, who had refused to prosecute fellow attorney Kenealy.
3. **Thus Williams sat in judgment of her own cause and cannot claim even the appearance of neutrality or non-bias.**
4. Williams blocked my petitioning for redress of grievances by issuing a dolus “Order” dismissing my Motion and covering for her own misfeasance in 2003 when she was district attorney, and then ignored my updated Criminal Report which included her for misprision of felony.
5. My guaranteed Right to petition government for redress of grievances having been blocked by both Gerol and then Williams, on or about August 16, 2011, I began a process to give the public officers of the county the opportunity to correct the past unlawful acts committed against me by Kenealy.
6. I caused to be mailed via a notary public to thirty-seven public officers a “Notice: To Exhaust Administrative Remedies and for Other Purposes”, in the form of an affidavit setting forth the crimes committed against me by their employee Kenealy, and the duty of those elected public officers to redress my grievances. The Notice was 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. On October 28, the notary public extended a three day grace period, again with no response. See Exhibit D, pages 12 & 13.
7. On November 15, 2011 as a further step in exercising my secured First Amendment Right to petition government for Redress of Grievances, and prior to my filing suit in federal court in 2012, I recorded a correction deed in the office of the Register of Deeds to correct mistakes in the two deeds from my September 14, 1990 purchase from my mother of the family homestead.
8. The correction deed was titled “Confirmation Deed” because it not only bore the signature of the Grantor/Seller, it also bore my signature, the Grantee/Purchaser, to confirm the correction of the earlier mistakes. This Confirmation Deed was Exhibit A, my very first exhibit in my 2012 federal lawsuit against Williams and Gerol. See Exhibit A incorporated herein by reference.
9. **It is this act of recording the “Confirmation Deed”**, my exercising my right and duty to correct the public record, and **exercising my secured Right to petition government for Redress of Grievances**, that state’s attorneys Williams and Gerol have converted into a crime in order to imprison me, block my remedy, and continue to silence me and cover-up the single greatest theft of private property in the history of the county.
10. **Two attorneys conspire to convert a secured right into a crime.** On December 1, 2011 attorneys Kenealy and Gerol each filed separate actions in Ozaukee County Circuit Court infringing upon my secured First Amendment Right to petition government for Redress of Grievances in an attempt to silence me.
11. Both Gerol and Kenealy used the artifice of identity theft and transmogrification of my name, Steven Alan Magritz, to create an artificial entity named STEVEN A MAGRITZ for the purpose of deceitfully, corruptly, and fraudulently attempting to extort personal jurisdiction over me, the living man, in, for, or by “their” bankrupt corporations named “Circuit Court” or “Ozaukee County” or “State of Wisconsin”. See Exhibit E incorporated herein by reference.
12. Kenealy filed a “civil” action to prevent me from contacting public officers, and Gerol filed a false “Criminal Complaint” which resulted in my false arrest and current restraint of my liberty. See Exhibit B incorporated herein by reference.
13. Gerol’s false “Criminal Complaint” against the artificial entity named STEVEN A MAGRITZ was based upon a hearsay statement by sheriff’s officer Jeff Taylor who “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.
14. **But --- Voigt’s statement was FALSE**.
15. **Due Process and the Principle of “FAIR NOTICE”:** Ron Voigt, Jeff Taylor, and Adam Yale Gerol all denied me due process by failing to tell me that they had an “issue”, in reality a false *and ignorant* misconception about my Confirmation Deed, and giving me a chance to explain, and if I had made a mistake, giving me the opportunity to correct any mistake ***before*** Gerol issued his ***false*** “Criminal Complaint”.
16. On November 15, 2011, when I recorded my Confirmation Deed in the office of the Register of Deeds correcting mistakes in prior deeds:

* Neither the Register of Deeds nor any other person in the recording office said anything about the Deed when I brought it in for recording.
* No one questioned why recording the deed was exempt from the real estate transfer fee.
* No one questioned any of the wordings in the Deed.
* No one said there were any mistakes in the Deed.
* No one said there was anything wrong with the Deed.
* No one asked me any questions about the Deed.
* No one gave me any indication at all that anyone might question the Deed.
* No one sent me a letter or other communication stating they had any issues with the Deed or questions about the Deed.
* No one called me on the telephone regarding the Deed.
* No one gave me any Notice whatsoever that **any** person might have an “issue” regarding the Deed.
* No one gave me an opportunity to explain the terms or wording in the Deed, therefore I had no idea whatsoever that the Register of Deeds was cognitively challenged and would give false information to a law enforcement officer resulting in false “charges”, false arrest and false imprisonment.
* 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, or caused any injury or damage.

1. I was not only denied “FAIR NOTICE”, but I was given **no notice**, period.
2. Failure to provide me Notice violated the due process requirement of the federal constitution and the Fourteenth Amendment as applied to the states / States.
3. I, Steven Alan Magritz, as a third party intervenor, subsequently filed a counterclaim against Ron Voigt for making a false statement to a law enforcement officer and for repeating the same false representation during the 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.
4. Only Voigt and Taylor were listed on Gerol’s November 3, 2015 witness list. Voigt was to be Gerol’s star witness. After I exposed Voigt’s perfidy, Voigt failed or refused to testify for Gerol at the subsequent “trial”.
5. On December 9, 2011 I updated my October 28, 2011 Affidavit of criminal report previously filed with the sheriff, the district attorney, and in Ozaukee County case no. 2011JD0001 (my “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.”
6. My 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 12/12/2011.
7. My December 9, 2011 Criminal Report filed in case no. 2011CF236 evidenced Kenealy’s criminal removal of my Answer and Counterclaim and Fraud Upon the Court resulting in a VOID judgment in 2001.
8. My Affidavit obliterated the very foundation of Gerol’s action in case no. 2011CF236 and proved the tribunal was without subject matter jurisdiction.
9. My Affidavit was filed a second time on January 5, 2012 in case no. 2011CF236. See Exhibit C, incorporated herein by reference, for a certified copy of the January 5, 2012 filing.
10. **Both filings of my exonerating and exculpatory affidavit were “removed” from the case file from behind the locked doors of the clerk of court *and* thereafter concealed, both felonies; and then --- concealed from the jury by the order of “judge” Sandy A. Williams.**
11. Williams gagged me from speaking about my affidavit or its contents, and threatened me that she would shut me down if I so attempted.
12. Williams made good on her threat by stopping the proceedings, clearing the courtroom at least twice, and re-threatening me.
13. Williams, in collusion with Gerol and upon motion made by Gerol, prevented me from introducing my affidavit as an exhibit.
14. Williams ordered my witness off the witness stand as soon as she realized he had examined the file and was going to testify that my affidavits had been removed.
15. The foundation of Gerol’s action was Kenealy’s void judgment, the challenge to which Gerol himself ***OPENED THE DOOR*** in his false “Criminal Complaint”.
16. Williams prohibiting me from challenging the very foundation of Gerol’s action was denial of due process, denial of presenting a defense, denial of a fair trial, and fraud upon the court.
17. **Removal** of my affidavits from the court file is **a felony**.
18. **Concealment** from the court and the jury of my “removed” affidavits is **a felony**.
19. I know of **only two persons with both motive and opportunity** to remove my TWICE filed, TWICE removed, and TWICE concealed from the court and the jury, exonerating and exculpatory affidavits from behind the locked doors of the clerk of court. **They are attorneys**:
    * **Sandy A. Williams**, and,
    * **Adam Yale Gerol**.

**I Petitioned Gerol for Redress of Grievances; Gerol’s Estoppel by Silence**

1. On December 1, 2011, Gerol filed his false “Criminal Complaint” with the court. On December 9, 2011, I filed my affidavit titled “12/09/2011 Report of Criminal Activity By Victim/Witness” with the court evidencing the falsity of Gerol’s Complaint. My affidavit was filed a second time, on January 5, 2012.
2. On January 10, 2012, I petitioned Gerol for Redress of Grievances, and Noticed Gerol by Affidavit, accompanied by a court certified copy of my January 5, 2012 filed affidavit and letter, 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.

1. 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.
2. As a public officer and fiduciary of the Public Trust, Gerol was required to respond to me, a beneficiary of the Public Trust. But Gerol did not respond, and was named as a defendant for breach of fiduciary duty in my lawsuit filed May 15, 2012. A copy of my mailing to Gerol is marked Exhibit D, and is incorporated herein by reference.
3. Gerol’s failure to respond and rebut was his Agreement, nihil dicit, that everything in my letter and Affidavits was true, correct, legal, lawful, and binding upon him in any court in America.
4. Gerol was legally and lawfully prohibited by the doctrine of **estoppel by silence** from prosecuting his false criminal complaint.
5. Since Gerol tacitly admitted or agreed to my positions and statements and charges in my sworn affidavits and agreed he would not present a defense to them in court, his continuing to prosecute the false complaint, as well as his motion at trial to prevent my Affidavits or Criminal Reports as exhibits, which was sustained by Williams, was a Fraud Upon the Court.
6. 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 my objection.
7. **Arrest; “Booking-in”; Bail/Bond Hearing; Non-consent:** On or about September 23, 2015, I was **arrested without a warrant**. I was held in Ozaukee County Jail until February 16, 2016 on which date I was “transported” to a prison operated by “STATE OF WISCONSIN”, a public corporation.
8. I maintained my innocence of any wrongdoing and did not consent to be “booked-in” under the name of STEVEN A MAGRITZ, an artificial entity.
9. **I was denied the right to defend myself and to present a defense.** The entire time I was held in the Ozaukee County Jail, almost five (5) months, I was held incommunicado, in solitary confinement. I was not allowed one single phone call, at any time, for any purpose. I was not allowed to send any mail to get help for almost two (2) months, after which I was given two indigent envelopes per week. I was not allowed any visitors and was denied assistance of counsel. My only visitor was the rarely seen attorney Gary Schmaus, “stand-by” counsel *for the “defendant”,* which was NOT me, **and whom I DID NOT ACCEPT**.
10. Within a day or so of my false arrest and false imprisonment, I was placed in front of a video monitor to speak with a man who identified himself as Paul V. Malloy. I informed Malloy that I was not the defendant and did not consent to the proceedings. The woman seated next to me kept her hand on the microphone “kill switch”, and repeatedly shut off the microphone so I could not be heard. **Turning off the microphone so that I could not be heard denied me due process**. I was **also denied assistance of counsel**.
11. Also within a day or so of my false arrest and false imprisonment, I 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.
12. Since I did NOT consent to bond Adam Y. Gerol’s action, I believe either Adam Yale Gerol or his employer, the corporation named “State of Wisconsin”, had to bond Gerol’s action.
13. My 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 subject up at the sentencing hearing on February 11, 2016.
14. **Preliminary hearing - no Notice, no assistance of counsel, biased “judge”.**
15. On October 2, 2015, I was **shackled** into a wheelchair, my hand **immobilized** so I couldn’t use it, let alone take notes, and taken **without Notice** into a courtroom for a preliminary hearing with **biased** Sandy A. Williams the presiding officer.
16. This is **the very same Williams whose criminal acts I had reported by affidavit** to Scott Walker et al. in my 12/09/2011 Criminal Report, **sued in federal court** for breach of fiduciary duty (dismissed for lack of jurisdiction), and who was featured as a **corrupt attorney and judge** on the website www.OzaukeeMob.org.
17. The court record of events evidences that I had ***no notice of the hearing*, and was thus denied due process**.
18. I was taken by surprise, not provided paper or pen to take notes, and since I was completely immobilized I could not take notes or write down questions in order to defend myself in the first instance.
19. I claim the right to assistance of counsel at every step in any proceedings whereat my liberty is at stake; I did not have counsel; I did not waive assistance of counsel; *I was denied my secured right to assistance of counsel*.
20. **Gerol** called surprise witness Ronald A. Voigt, register of deeds, to testify, and **suborned the following false testimony from Voigt**: “Confirmation deed is an unknown title for a document.”
21. 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.

**Gerol’s Solicitation or Subornation of Voigt’s False Testimony**

**Is Fraud Upon The Court, and Denial of Due Process.**

1. Gerol cannot plead plausible deniability since he **had KNOWN for four (4) years that Voigt’s testimony was FALSE** by way of my Affidavit/Criminal Report filed December 9, 2011 and also sent to Scott Walker et al., filed again January 10, 2012, served on Gerol January 11, 2012 when I petitioned him for redress of grievances, **and served** on him **again** when I sued him in federal court in 2012.
2. Gerol knowingly solicited false testimony as evidenced by his failure to correct or question Voigt’s false statement.
3. **I charge Gerol with the same crime State of Nebraska Attorney General Douglas was found guilty of:** **Fraudulent Concealment.**
4. One might surmise that Voigt’s false testimony somehow “justified” Williams in 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.”
5. However, my 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, and served again when I sued Williams in federal court, conclusively proved Voigt’s statements were **FALSE**.
6. Thus Williams **KNEW** Voigt’s testimony was **FALSE**. NO plausible deniability here.
7. Williams stated: “the Court will appoint a stand-by counsel.” [For the “defendant, NOT for me, the living man.] 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**.”
8. I had stated and made clear that I was NOT the defendant, that I did not consent to the proceedings, and that I was not the fiduciary or trustee or representative or surety or accommodation party for the defendant or any other artificial person. Further I stated: “I do not understand these proceedings, and I wish to be set at liberty immediately.”
9. At the next hearing on October 15, I repeatedly demanded that Voigt be brought back for questioning since I was taken by surprise and had not been given Notice of the preliminary hearing. Williams refused to recall Voigt for my examination.
10. After I provided a copy of the transcript of the preliminary hearing to Gary R. Schmaus, stand-by counsel for the “defendant”, he wrote Williams requesting she reopen the hearing, but Williams **REFUSED** to reopen it, **AGAIN** denying me due process, **and,** **evidencing her bias and vengence.**
11. 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”. I informed Schmaus that I, Steven Alan Magritz, was **NOT** the “defendant” in Gerol’s action, and that I did **NOT** accept Schmaus as stand-by counsel for myself.
12. 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.
13. I informed Schmaus that there were a number of documents “missing”, most notably my December 9, 2011 Affidavit titled “12/09/2011 Report of Criminal Activity By Victim/Witness” filed first in December 2011 and then again on January 5, 2012. Schmaus assured me that he had given me copies of **ALL** of the documents that were in the court file.
14. 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.
15. At the October 15, 2015 “arraignment” hearing 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.
16. 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**.

**10/15/2015 “Arraignment”: No Notice; Denied Assistance of Counsel;**

**Biased and Embroiled Williams’ enters “Liar’s Plea”; Denied Due Process:**

1. On October 15, 2015 I was shackled hand and foot, and again without Notice was taken in front of Williams. Further, neither Gerol nor the clerk of court had provided me with the “Information”.
2. **Tampering With the Transcript**. 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. Yet the transcript of the hearing on October 15, 2015 is perhaps the most inaccurate “representation” of what was said of any transcript I have ever read. See Exhibit G and Exhibit K (the transcript), incorporated herein by reference.
3. I swore myself in under the pains and penalties of perjury, and repeatedly gave notice that I did not accept Gary Schmaus as stand-by counsel and that Schmaus did not represent me. I never waived assistance of counsel.
4. **I repeatedly demanded**, about six times, **assistance of counsel pursuant to the Sixth Amendment, which Williams denied**. 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.
5. 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 my demand for assistance of counsel.
6. After denying me assistance of counseland the opportunity to question Voigt, Williams looked at me and asked, “Then sir, what is your plea to the count in the Information?”
7. **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. I did not respond as, for, or on behalf of the “defendant” entity.
8. 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.”
9. 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**”. By entering a “not guilty” plea Williams thus **CREATED an ostensible CONTROVERSY, without which no court can act,** and perpetrated a fraud against me and **upon the court**.

1. **Williams, by ignoring my plea for myself, the living man, and entering her own plea for the “defendant”, admitted that: (1)** I was **NOT** the defendant, **NOR** was I acting in any way for or on behalf of the defendant, and, **(2)** the Court had **NO personal jurisdiction** over me, Steven Alan Magritz, the living man.
2. I then gave notice to the court that the proceedings were a malicious prosecution engaged in by Williams and Gerol, that Williams was implicated in misprision of felony, and there was no longer any reason for her and Gerol to cover-up Kenealy’s crimes since after I exposed him in my federal lawsuit the county Board of Supervisors lost confidence in him and he resigned.
3. **Voir dire**. 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. That was jury tampering, tampering with the jury selection process, denial of a fair trial, and denial of due process.
4. **Sixth Amendment violation: Confrontation Clause:** 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. I was denied the right to confront my accuser(s), **BECAUSE THERE WEREN’T ANY**.
5. **Sixth Amendment violation: Denial of Witnesses for Defense:** “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.
6. Gerol **subpoenaed** Karen Makoutz. I thereupon subpoenaed her for my defense. Gerol **had my subpoena quashed** by Williams. Gerol has the “right” to subpoena whoever he wants, but in the eyes of Williams and Gerol, I have no rights, thus violating the Sixth Amendment. This quashing by Williams and Gerol is **NOT** just a “double-standard, it is treachery. **This is a prime example that Gerol’s suit was a malicious prosecution under color of law, and in fact, a persecution**.
7. Gerol subpoenaed **Rhonda Gorden**, who was the assistant to Dennis E. Kenealy at the time Kenealy feloniously “removed” my Answer from the court file to obtain a “default” judgment. Gorden replaced Kenealy in 2012 after I sued him. I subpoenaed Kenealy instead of Gorden, who *Gerol deceitfully characterized* as “Child Support Administrator” instead of “Corporation Counsel”. My subpoena was quashed – another example of treachery by Williams and Gerol.
8. I subpoenaed clerk of court Mary Lou Mueller to provide scanned copies of my exonerating and exculpatory affidavits, and to explain how they could have been removed from the court file, from behind locked doors, without her ***written*** permission, and, thereafter concealed from the court. **But my subpoena was quashed, thus protecting both Gerol and embroiled and biased Williams.**
9. **Only Adam Yale Gerol** could explain what was in his mind and what he was thinking when he decided to use a known void judgment and a known false “criminal complaint” to persecute me, a victim of the greatest theft of private property in the history of Ozaukee. **But my subpoena of Gerol was quashed**.
10. **Only Sandy A. Williams could explain** why she denied me an evidentiary hearing, and the questioning of Voigt, and assistance of counsel; and, why she entered a “Liar’s Plea” for the “defendant”; and, why she refused to recuse herself after I had filed several criminal complaints against her, sued her in federal court for breach of fiduciary duty, and had her featured on the OzaukeeMob.org website as a corrupt attorney and judge. **But --- my subpoena of her was quashed**.
11. **Robert C. Braun – Ordered Off Witness Stand While Testifying for the Defense**. Arguably the most blatant and egregious violation of the Sixth Amendment secured Right to have witnesses in one’s favor is that of witness Robert C. Braun,

a “veteran” in the civil rights arena with decades of experience in examining court files.

1. Braun examined the court file and filed his own affidavit that my TWICE filed

“Criminal Complaint” exonerating me from any wrongdoing and charging attorneys Williams, Gerol and Kenealy with criminal acts were still missing.

1. When Braun testified during the trial, I had asked him perhaps three questions when Williams, perceiving my defense which would exonerate me, **ORDERED** witness Braun off the witness stand.
2. **Further witness tampering by Williams:** I subpoenaed Voigt, who “failed” to testify for Gerol, but about the only thing he could remember was his name. When I asked him a question that he couldn’t answer with “I don’t remember” or “I can’t recall”, Williams coached him from the bench and he changed his mantra to “I can’t answer that”.
3. 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) denied me a fair trial; 4) displayed her bias and prejudice against me; 5) knowingly suppressed exonerating testimony and evidence; 6) denied me a full hearing; 7) denied me due process.

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

1. **The Statute lacks a mens rea element**, or “guilty mind”, therefore it is unconstitutional as a criminal statute, especially if it is applied against a beneficiary of the Public Trust created by the Constitution of the state of Wisconsin, 1848 A.D., such as I, Steven Alan Magritz. Intent to create an injury or do damage to property or do harm is an absolutely necessary element of a “crime”.
2. Even if a statute fails to explicitly require a mens rea element, **the judge is required** to instruct the jury of their duty to find the existence of mens rea, or “guilty mind”, in the accused. **I provided such a jury instruction to Williams**, but Williams failed **or refused** ***to instruct the jury on the necessity of their finding of mens rea***. I charge Williams with **intentional jury obstruction**.
3. The statute is subject to misapplication or abusive enforcement where no crime exists. The statute is so standardless that it authorizes or encourages seriously discriminatory enforcement, therefore it is unconstitutionally vague. It can be used, and was so used as a political act, **an abusive exercise of power to punish or maliciously prosecute or persecute me**, a man who persistently demanded the executive department of government “do its job” and prosecute an attorney for his criminal acts, and provide me, a victim of crime, redress of grievances.
4. **The statute prohibits conduct protected by the Constitution.** The statute **as applied to me** 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.
5. The statute violates the First and Fourteenth Amendments in that it is overbroad. A statute which is overbroad is facially invalid and has no force and effect upon any person or entity regardless of the specific circumstances.
6. **The Sentence violates First and Eighth Amendments**. 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.
7. The sentence **is cruel and unusual** in that**:** **(1)** it inflicts punishment for a non-crime, for an act misconstrued, even under the most onerous consideration, as malum prohibitum and not malum in se. There was no injury caused or alleged, no damaged property, and no harm or wrongdoing intended or even alleged; **(2)** it was imposed upon a beneficiary of the Public Trust, a living man not acting for or on behalf of the “defendant”, and not imposed upon the defendant; and, **(3)** it presumes to have the authority to force “me”, a beneficiary of the Public Trust, into a CONTRACT against my will and without my consent, and impose attorney fees upon “me” for a stand-by counsel which I did NOT ACCEPT, thus impairing my Right to NOT contract. See Exhibit H, JOC, incorporated herein by reference.
8. **No Cause of Action; No Corpus Delicti; No Subject Matter Jurisdiction**. 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.
9. 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?
10. Neither the “Criminal Complaint” nor the “information,” historically used for generating revenue, established the fact of an injury. Actually, no injury, injured party, damage, damaged property, or harm to any person or property **was ever even alleged**.
11. **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**.
12. The tribunal lacked specific subject matter jurisdiction. **The judgment is VOID**.

**Request For Remedy**

**I request the Court forthwith Adjudge that:**

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

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 \_\_\_\_\_ day of July, 2017 A.D.

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By: Steven Alan Magritz