

No. 19-8859

SUPREME COURT OF THE UNITED STATES

ORIGINAL

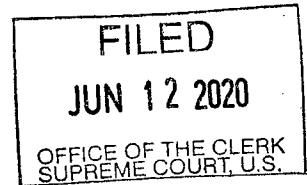
Brian Maus

Petitioner

VS

Scott Eckstein

Respondent



On Petition For A Writ Of Certiorari to  
United States Court Of Appeals For The Seventh Circuit  
Petition For Writ Of Certiorari

Brian Maus

P.O. Box 1000

Boscobel WI. 53805

## QUESTIONS PRESENTED

1. Can appellant counsel withdraw off of the petitioners case, because the petitioner wouldn't agree to allow appellate counsel to file a no-merit brief?
2. Can a trial attorney refuse to file motions to suppress evidence, or dismiss because they disliked Maus because he wouldn't allow them to deprive Maus out of his civil rights?
3. Does the State Of Wisconsin have to do a voice line up, between the victim and Maus for identification?
4. Can a Police Department plant evidence? Then use the evidence against Maus at trial?
5. Could of Deputy Murray removed Maus out of Marathon County without having a warrant or jurisdiction?
6. Can the State Of Wisconsin prosecutor solicit perjury testimony, to cover up that the victim who was robbed a drug dealer?
7. Did Maus have due process right to question Ms. Bennetts about being a drug dealer?
8. Was Judge Stenz bias when he whittened out part of Scott Mackenzie's statement to cover up Ms. Bennetts drug dealing?
9. Did the state Of Wisconsin have to do a photo array, or line up to see if Mackenzie could even identify Maus?

#### **LIST OF PARTIES**

{X} All parties appear in the caption of the case on the cover page.

#### **RELATED CASES**

Maus V. Foster No. 14-C-1493 district court of the Eastern District Of Wisconsin. Judgment entered February 21, 2017.

Maus V. Eckstein No. 17-1477 United States Court Of Appeals Seveth Circuit Of Illinois. Judgment entered March 11, 2020.

State Of Wisconsin V. Maus No 2013 AP 1529 Supreme Court Of Wisconsin. Judgment entered September 24, 2014.

State Of Wisconsin V. Maus No. 2013 AP 1529 Court Of Appeals Of Wisconsin. Judgment entered July 1, 2014.

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**IN The**  
**SUPREME COURT OF THE UNITED STATES**  
**PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

[X] For cases from federal courts:

The opinion of the United States Court Of Appeals appears at Appendix-A- to the petition and

[X] is unpublished

[X] The opinion Of The United States District Court appears at Appendix-B- to the petition and

[X] is unpublished.

[X] The opinion of The United States Court Of Appeals, rehearing appears at Appendix-C- to the petition and

[X] is unpublished

[X] For cases from state court:

The opinion of the highest state court to review the merits appears at Appendix-D- to the petition and

[X] is unpublished

The opinion of The Wisconsin Court Of Appeals District III appears at Appendix-E- to the petition and

[X] is unpublished

## **JURISDICTION**

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was March 11, 2020.

[X] A timely petition for rehearing was denied by the United States Court Of Appeals on the following date April, 17 2020 and a copy of the order denying rehearing appears at Appendix-C.

The jurisdiction of this court is invoked under 28 U.S.C. 1254 (1).

[X] For cases from state courts:

The date on which the highest state court denied my case was September 24, 2014. A copy of that decision appears at Appendix-D.

The jurisdiction of this court is invoked under 28 U.S.C. 1257 (A).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

First Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, and Fourteenth Amendment of the United States Constitution

## **STATEMENT OF THE CASE**

On January 3, 2005. Gerri Bennetts called 911, and told Deputy Osborne. That she was robbed by (3) masked males at gunpoint, and that they took all of Ms. Bennetts money she gave Deputy Osborne the following license plate number VBN64. (Appx-F). Ms. Osborne ran the license plate number when it didn't come back on file, but one close to it belonging to Margaret Maus. The petitioner's mother. Ms. Osborne called Deputy Ben Baker, and told Ms. Osborne to call Ms. Maus's residence, and find out where Maus was at (Appx-F). Both Ms. Osborne and Mr. Baker knew Mr. Maus was on (parole ) out of

that county. Ms. Osborne called Ms. Maus's residence, and found out that Mr. Maus was working on Ms. Maus's car about (8) miles away from the robbery (Appx-G). After Ms. Osborne got this information from Ms. Maus. Ms. Osborne called Ms. Bennetts back and gave Ms. Bennetts, Mr. Maus's license plate number VBN 671 (Appx-H-Pg-2) and told Ms. Bennetts to claim that she recognized Mr. Maus's voice during the robbery (Appx-F-H).

On January 3, 2005. Minutes after the robbery Deputy Keith Svoboda took a written statement from Ms. Bennetts. (Appx-H). During the time of taking this statement Ms. Bennetts never stated that Maus was one of the people that robbed her or that Ms. Bennetts recognized Maus's voice during the robbery (Appx-H). Ms. Bennetts also admitted Ms. Osborne gave Ms. Bennetts Maus's license plate number (Appx-H-Pg-2).

About one hour after the robbery Maus met Deputy Murray on Bear Lake Rd. about 1/2 mile in Langlade County Mr. Murray turned around in the middle of the road, and started following Maus (Appx-F) Maus stopped at the stop sign at Double H, and Bear Lake Road while Mr. Murray was still behind him. Maus then proceeded straight across the road into Marathon County. While Mr. Murray kept following Maus. Mr. Murray followed Maus for about 1 1/2 miles into Marathon County before he activated his lights (Appx-F). Mr. Murray then placed Maus under arrest at gunpoint, and placed Maus in the back seat of his car. Two Marathon County Police, one Shawano County and Mr. Baker showed up at the arrest. Mr. Baker had Mr. Murray read Maus his (miranda rights) Mr. Baker tried to question Maus about the robbery. Maus told Mr. Baker and Mr. Murray that he didn't have nothing to say to them, and they need to talk to Maus's attorney. Mr. Murray then transferred Maus out of Marathon County to Langlade County, and placed Maus in jail, without getting a court order from a Marathon County judge.

On January 3, 2005. After Maus was placed in jail. Mr. Baker and Deputy Raddant went to a store in Aniwa, and dug in the garbage and found a receipt for antifreeze and placed it in as evidence in Maus's case, claiming the receipt belonged to Maus. Mr. Baker then

wrote a false police report claiming that he drove from B.J's in Aniwa to Ms. Bennetts residence.

On January 4, 2005. Mr. Baker and several other Langlade County Officer's went to the Maple Ridge Trailer Park, and questioned, the people in the park. When the deputies found out Maus was in the park at the time of the robbery. The deputies refused to take statements from the people.

On January 5, 2005. Deputy John Schunke and Ms. Bennetts wrote up a statement in Janelle Brown's name, claiming Ms. Brown knew that Maus helped do the robbery at Ms. Bennetts residence. Mr. Schunke had Ms. Bennetts sign Ms. Brown's name on the statement.

On January 6, 2005. Mr. Baker had Maus brung out of the cell block he was in, and tried to question Maus about the robbery. Maus told Mr. Baker that he needs to talk to Maus's attorney and he returned back to his cell block. Mr. Baker then wrote a false police report claiming Maus gave Mr. Baker an oral statement claiming Maus helped do the robbery.

On January 11, 2005. District Attorney Moller filed a criminal complaint against Maus charging Maus with armed robbery, armed burglary, theft, bail jumping and battery that didn't state no probable cause (R-1-5).

On January 18, 2005. Maus appeared in court for an initial appearance (15) days after being arrested without a warrant, and objected to the courts jurisdiction. Maus's objection were ignored by the court.

On January 31, 2005. Maus appeared in court with Attorney Alexander Brown for a preliminary examination. During this hearing, Mr. Brown and District Attorney uttke solicited perjury testimony from Ms. Bennetts, they had Ms. Bennetts claim the Maus was one of the people that robbed her, because now she recognized Maus's voice during the robbery. Maus was bond over for trial, based on this perjury testimony.

On February 3, 2005. Mr. Baker, and Schiro searched Maus's car without a search warrant. When they didn't find no evidence in Maus's car to link Maus to the robbery. Mr. Baker went to wal mart, and purchased a safe. (A safe that looked just like one sold out of Ms. Bennetts residence), and planted it in the trunk of Maus's car, and logged it in as evidence. (APPX-L).

On August 12, 2009. When Mr. Baker found out that Maus was going to show the jury that Mr. Baker planted a safe in Maus's car. Mr. Baker wrote up an administrative print out sheet claiming that he purchased the safe to compare it to paint marks on the trunk lid of Maus's car (Appx-J).

On March 1, 2005. Attorney Robert Rusch was appointed to represent Maus.

Between March 1, 2005 thru September 28, 2005. Mr. Rusch wouldn't file a motion to dismiss, so Maus filed his own motion to dismiss (R-27-35), and informed the court that Maus was representing himself (R-27-35), motion for discovery and a speedy trial motion (R-31-2-R-32).

On November 4, 2005 Judge Kennedy allowed Mr. Rusch to withdraw off of Maus's case, but stayed all proceedings to try forcing counsel on Maus (R-43-3).

On February 13, 2006. Maus filed another motion informing the court that he's representing himself (R-59)

Between September 28, 2005 thru April 13, 2006 Judge Kennedy tried forcing Attorney Keith Hughes, John Gower, John Rhode and Charles O'Neill on Maus.

On April 13, 2006. Maus appeared in court for a hearing. Judge Kennedy tried to force Mr. O'Neill on Maus (R-305-3). this hearing Mr. O'Neill told Maus and the court he will not file Maus's motion to dismiss (R-305-31).

Maus moved to dismiss on violation of a speedy trial. Judge Kennedy told Maus his speedy trial motion was void ,because Maus had counsel at the time it was filed (R-305-44-52).

On or about January 5, 2006. Maus filed a criminal John Doe Complaint on a judge in Langlade County, that Ms. Bennetts is dealing drugs, that District Attorney Uttke, Sheriff David Steger, Deputy Baker and Mr. Schunke are taking drug money from people like Ms. Bennetts, and sent a copy of it to (F.B.I.) Richard Ruminski. Case No. 06 JD 01.

On March 1, 2006. Mr. Ruminski and his staff broke into Ms. Bennetts residence, and arrested her for dealing cocaine (Appx-K), but didn't do no investigation into the Langlade County district attorney's office nor the sheriff's department, about taking drug money.

After Maus had Ms. Bennetts arrested for drugs. District Attorney Uttke and Mr. Schunke retaliated and had Mr. Schunke write up a false statement, claiming Maus helped Mackenzie and McGovnor do the robbery at Ms. Bennetts residence, and threatened David Larry and Bev Faust's into signing the false statements or Mr. Schunke would place them in jail.

On March 11, 2006. District Attorney Uttke used the false statements, that Mr. Schunke got from the Faust's to have McGovnor and Mackenzie arrested.

On March 11, 2006. District Attorney Uttke and Deputy Lenzner typed up a false statement in Mr. Mackenzie's name, claiming that Maus helped Mr. Mackenzie and Mr. McGovnor do the robbery (Appx-L). Before Mr. Uttke and Mr. Lenzner tied up the false statement. Mr. Uttke made a plea deal with Mr. Mackenzie that Mr. Uttke would drop a bunch of the charges against Mr. Mackenzie. If he gave Mr. Uttke and Mr. Lenzner a statement, and that Mr. Mackenzie had to waive his right to counsel (Appx-M).

On May 19, 2006. Maus filed a motion to have an identification line up done between him and Mr. Mackenzie to see if Mackenzie could identify Maus (R-88). Maus's motion was ignored.

On May 25, 2006. Judge Kennedy suppressed the false oral statement Mr. Baker claimed he took from Maus on January 6, 2005 (R-179-16-17). Judge Kennedy refused to dismiss, that the court lacked all jurisdiction over Maus, based on Mr. Murry arresting and removing Maus out of Marathon County without a warrant or court order from a judge (R-179-31-32-33-34-49).

On Nov. 17, 2006. Maus caught Mr. Murray lying about being at the crime scene before he arrested Maus (R-182-39). Judge Kennedy threatened to hold Maus in contempt of court, to cover up Mr. Murray's perjured testimony (R-182-58-59). Judge Kennedy then went on to state that Mr. Murray could remove Maus out of Marathon County, because Maus was on parole at the time (R-182-55-56). Mr. Uttke then requested Judge Kennedy to appoint Maus an attorney (R-182-86-87). Mr. Uttke stated that there isn't an attorney in the state of Wisconsin who is going to file all of Maus's motions and make all the arguments Maus wants made, pointing out all the misconduct taking place against Maus in Langlade County (R-182-88-89).

After November 29, 2006. Mr. Uttke called or wrote Captain O'Donovan at the Waupun Corr. Inst., and had O'Donovan write a false letter stating that Maus had a "270" rifle on the streets, and was going to kill everyone involved in his case, even the judge.

On December 10, 2006. Maus posted his bail.

On January 3, 2007. Judge Kennedy, Mr. Uttke and Attorney Mutter used Mr. O'Donovan's letter to raise Maus's bail, after it was already posted (R-183-13-14-15). This was done because Maus turned in Mr. Uttke's drug dealer Ms. Bennetts.

On December 5, 2006. Attorney Shawn Mutter was appointed to represent Maus.

Between December 5, 2006 thru April 12, 2007. Ms. Mutter refused to file a motion to dismiss or suppress evidence. Ms. Mutter claimed all of Maus's issue's didn't have merit (Appx-N).

On April 12, 2007. Maus appeared in court for Ms. Mutter to withdraw off of Maus's case. Ms. Mutter told the court that all of Maus's issues were frivolous (R-310-21) Maus told Judge Kennedy that Ms. Mutter will not file a motion to dismiss or suppress evidence (R-310-26-27-30-31-32). Judge Kennedy allowed Ms. Mutter to withdraw.

On April 20, 2007. Attorney John Bachman was appointed to represent Maus.

Between April 20, 2007 thru December 15, 2008. Maus sent Bachman several letters and pointed out all the issues Maus wanted Mr. Bachman to file a motion to dismiss on, and supported each issue with case law. Mr. Bachman over and over told Maus all his issues are frivolous and that it's time for trial. Maus told Mr. Bachman why is he even representing Maus if he isn't going to do his job and file motions to protect Maus's civil rights.

On June 1, 2007. Mr. Bahman filed a motion to withdraw, claiming all of Maus's issues are frivolous cannot comprehend the duties of counsel, all evidence is boarding on science fiction (Appx-O).

On December 15, 2008. Maus appeared in court for Mr. Bachman to withdraw off of Maus's case.

On December 15, 2008. Maus pointed out that Mr. Bachman's ineffectiveness how he will not file a motion to protect Maus's civil rights (R-313-4-5). Judge Stenz allowed Mr. Bachman to withdraw.

On June 11, 2009. Attorney Barbara Cadwell came and seen Maus at the Green Bay Corr. Inst., for about (4) hours. Maus pointed out and told Ms. Cadwell that he wanted her to file a motion to dismiss, based on the following issues and sighted case law. That Ms. Osborne gave Ms. Bennetts Maus's license plate number, and told her to claim that she

recognized Maus's voice during the robbery, no voice line up done between Maus and Ms. Bennetts, for identification, Mr. Murray not having probable cause to stop and arrest Maus in Marathon Court, or remove Maus from that county without a court order from a judge, because Mr. Murray turned into being a citizen and lacked all jurisdiction. Riverside violation, Mr. Schunke and Ms. Bennetts forging Ms. Brown's name on a false statement that Mr. Schunke wrote up, Mr. Baker and Raddant planting a receipt as evidence, Mr. Baker wrote a false police report claiming he drove from B'J'S market to Ms. Bennetts residence to link Maus to the robbery, Mr. Baker wrote a false report claiming that he took an oral statement from Maus, no probable cause stated in the criminal complaint but lies, untimely initial appearance and preliminary hearing, the court lacking all personal and subject jurisdiction over Maus, Mr. Uttke and Mr. Brown soliciting perjury from Ms. Bennetts at the preliminary hearing, no identification done between Maus and Mr. Mackenzie, Mr. Brown, Mr. Rusch, Ms. Mutter and Mr. Bachman all being ineffective, violation of speedy trial, discovery violation, Sheriff Steger and Mr. Uttke destroying Ms. Bennetts 911 tape recordings, forcing Maus to represent himself, Mr. Uttke soliciting perjury testimony from M's. Bennetts, Mr. Baker and Mr. Murray. Cadwell told Maus that she isn't filing a motion to dismiss or a motion to suppress evidence that it's time for trial. Maus told Ms. Cadwell that she doesn't represent Maus, and that Maus wants his whole legal file, so he can represent himself. Ms. Cadwell told Maus that she cannot give Maus his legal file until she gets permission from Judge Stenz and Mr. Uttke, and left the Green Bay Corr. Inst., with Maus's whole legal files.

On June 21, 2009. Ms. Cadwell filed a motion to withdraw, claiming all Maus's issues are frivolous and unethical for her to file on (Appx-P).

On July 1, 2009. Maus appeared in court for Ms. Cadwell to withdraw. Ms. Cadwell told Judge Stenz that Maus's issue's were all frivolous and unethical for her to file on (R-314-2,3). Maus pointed out that Ms. Cadwell and all his other attorney's were ineffectiveness (R-314-4-5-6). Judge Stenz held Maus in contempt of court for pointing out all the misconduct taking place (R-314-16-17).

On July 2, 2009 Ms. Cadwell claims she drove Maus's legal files to the Green Bay Corr. Inst., but never informed Maus that she dropped the files off.

Between July 2, 2009 thru September 21, 2009. The Green Bay Corr. Inst., refused to turn over Maus's legal files until after he lost his case at trial on August 13, 2009.

Between September 28, 2005 thru August 12, 2009. Maus filed several motion's that he was missing the following discovery. Ms. Bennetts 911 tape recordings, Kim Bissonetts time card showing she wasn't working on January 3, 2005 Ashley Bissonetts tardy slip from school showing she wasn't in school on January 3, 2005, Ms. Bennetts bank records, David, Larry and Bev. Faust's recorded statements, Scott Mackenzie and Ben McGovners written and video taped statements, any identification lineup or photo shown to Mackenzie to identify Maus. All Maus's request were ignored.

Between September 28, 2005 thru August 12, 2009. Maus filed (8) different motions to dismiss, all his motions were ignored.

On August 12, 13, 2009. Maus went to trial on the above case. Maus was denied his right to even present a defants.

On August 12, 2009. Judge Stenz told Maus he will have Maus removed from the ~~room~~<sup>Courtroom</sup> and held in contempt of court, and make Maus represent himself over a video camera from the jail ,if Maus informed the jury that Ms. Bennetts was a drug dealer. (R-316-38,39,48,49,50,51). Judge Stenz goes on to claim that the State Of Wisconsin didn't have to do a voice lineup between Maus and Ms. Bennetts (R-316, 40,41) Judge Stenz also allowed Mr. Uttke to suppress the Faust's testimony (R-316-20). To cover up that Mr. Mackenzie banged his head against the wall to make the voice's go away in his head, and the things he seen that were not there. Judge Stenz also suppress Maus's car, so he couldn't show the jury that Mr. Baker planted a safe in his car, and made the dent in the trunk lid with the safe (R-316,3536). Mr. Uttke also suppressed the person who fixed the 911 tapes system, so Maus couldn't show that the Police Department destroyed the 911 tapes of Ms. Bennetts.

On August 12, 2009. Mr. Uttke called Ms. Bennetts Ms. Bennetts didn't identify Maus in court (R-316-92). Mr. Uttke had Ms. Bennetts claimed that she recognized Maus's voice during the robbery (R-316-95). Mr. Svoboda admitted that he never did a voice line up between Maus and Bennetts because she never told Mr. Svoboda that Maus was one of the people that robbed her (R-317 181-182).

Mr. Uttke had Ms. Bennetts claim that she took the \$16,000 out of the bank the day before the robbery (R-316, 103,104, 107) to cover up Ms. Bennetts drug dealing.

Mr. Uttke had Ms. Osborne get on the stand and claim that Ms. Bennetts gave her Maus's license plate number (R-316-163), and had her claim that Ms. Bennetts told her that she recognized Maus's voice during the robbery (R-316-162). Mr. Uttke also had Ms. Osborne claim that the 911 system malfunctioned, on January 3, 2005 (R-316-166). Mr. Svoboda claimed that the 911 system hard drive crashed and erased all data from February 25, 2005 to January 3, 2005 (R-317-251,252,253).to cover up, that the Police Department destroyed the 911 tape recordings. Mr. Uttke then called Mr. Mackenzie, and had him claim that Maus helped him do the robbery (R-316-207). Judge Stenz and Mr. Uttke stopped Maus from attacking Mr. Mackenzie credibility about being mentally retarded (R-316,213,218,219,220).

Maus tried to attack Mr. Mackenzie about getting a plea deal from Mr. Uttke before giving Mr. Uttke and Mr. Lenzner a statement (Appx-M). Mr. Uttke even admitted that he gave Mr. Mackenzie a plea deal before Mr. Mackenzie gave him and Mr. Lenzner a statement (R-316-235).

On August 13, 2009. Mr. Uttke had Judge Stenz reopened Judge Kennedy's order of May 25, 2006 were Mr. Kennedy suppressed the false statement Mr. Baker claims he took from Maus (R-317-37). Mr Uttke then had Mr. Baker testify to the false statement (R-317-321). Mr. Uttke also had Ms. Brown's testimony suppressed, so Maus couldn't show the jury that Mr. Schunke and Ms. Bennetts forged Ms. Brown's name on a statement.

Mr. Uttke told Judge Stenz in front of the jury that Maus was asking to many questions from the witnesses. Judge Stenz told Mr. Uttke to object more, so Stenz could sustain Maus's questions (R-317-128).

When the jury went to deliberate. The jury asked to see Mr. Mackenzie statement (Appx-Q). Judge Stenz took it within his own hands over Maus's objections and whittened out parts of Mr. Mackenzie statement (Appx-Q-L), so the jury couldn't read that Ms. Bennetts got her money through dealing drugs.

On January 10, 2010 Appellant Attorney Karen Missimer was appointed to appeal Maus's conviction. Between January 10, 2010 thru April 1, 2012. Maus wrote Attorney Missimer several letters and told her over the phone ,what issues he felt that she should appeal his conviction on, and even supported each issue with case law. Ms. Missimer told Maus over and over that his issue's were frivolous, and even filed two or three motions in the Circuit Court Of Langlade County to withdraw off of Maus's appeal, because Maus wouldn't give Ms. Missimer permission to withdraw off of his appeal. Each one of Ms. Missimer's motions were denied.

On April 11, 2012. Attorney Missimer filed a no merit letter in the Wisconsin Third District Court Of appeals, stating that she is filing a no merit brief. On April 7, 2012. Maus filed a reply to Ms. Missimer's no merit letter, and sighted (15) marital issues and supported each issue with case law.

On April 16, 2012. After Ms. Missimer read over Maus's no merit reply. Ms. Missimer filed a (6) page motion to withdraw off of Maus's case, claiming Maus was being disruptive, disrespectful and that Maus filed a complaint with the office of lawyer regulation against Ms. Missimer. Ms Missimer didn't have to support her motion to withdraw with an (affidavit or declaration).

On May 11, 2012. The Wisconsin Third District Court Of Appeals allowed Attorney Missimer to withdraw off of Maus's appeal without filing a no merit brief, claiming Maus

was being disrespectful, disruptive and filed a complaint with the (O.L.R.), based on no evidence, but Ms. Missimer's word, and forced Maus to do his own appeal (Appx-E).

## **Reasons For Granting The Petition**

### **Appellant Counsel**

Can appellant counsel withdraw off the petitioners case, because the petitioner wouldn't agree to allow appellant counsel to file a no-merit brief. Violation of Maus's 6th and 14th amendment.

Appellant counsel Karen Missimer got permission to withdraw off of Maus's appeal based on hate and dislike for Maus, after Ms. Missimer filed a no-merit letter (Not brief) on the Third District Court Of Appeals Of Wisconsin on (April 1, 2012), and after Maus filed a reply motion (April 7, 2012) to Ms. Missimer no merit letter. Ms. Missimer filed a motion to withdraw off of Maus's appeal after Maus filed a reply to Ms. Missimer's no merit letter April 12, 2012. Ms. Missimer based her motion to withdraw, claiming that Maus was being disrespectful, disruptive and wouldn't allow Ms. Missimer to file a no merit report ( Appx-A). Ms. Missimer didn't even have to file a declaration or affidavit to support her motion to withdraw off of Maus's appeal **Howard V. Terry 2010 U.S. Dist. Lexis. 32177, 18 (E. Dist. Of Wis.)** In Wisconsin attorneys word is good as good gold to get permission to withdraw off of their clients cases (Appx-E). If Maus tried to file a late notice of appeal or anything else that was due in court on the date set by the court without filing a declaration or affidavit in support of it, it would get thrown out, but in Wisconsin the laws don't apply to attorney's. At no time did Maus ever disrespect or be disruptive against Ms. Missimer, nor did he file a complaint on the office of lawyer regulation, until after Ms. Missimer took steps to withdraw off of his case (Appx-G).

The Seventh Circuit Court Of Appeals is trying to carve out new law, stating that attorneys word is good as gold as long as they file a motion to withdraw off of their

clients case, without filing an affidavit, to support it. **Howard V. Terry** 2010 U.S. Dist. Lexis.32177, 18 (E. Dist. Of Wis.) (Appx-A-C); or no merit brief **Anders and McCoy** Even if Maus filed a complaint with the office of lawyers regulations against Attorney Missimer. Maus has a First Amendment Right (Appx-A-C-E). **Dena V. Greffet** 922 F. Supp.2d 1187, 84 (10th Cir. 2013), also see **Nichols V. Schilling** 2011 U.S. Dist. Lexis. 46709 and **Matta V. Anderson** 685 F. Supp.2d 1223, 1245 (2010). Maus was stuck doing his own appeal for exercising his First Amendment (Appx-A-C-E).

The Seventh Circuit Court Of Appeals and Third District Court Of Appeals believe that no part of **Anders V, California** 386 U.S. 738 (1967) or **McCoy V. Court Of Appeals Of Wisconsin** 486 U.S. 429 (1988) apply when it comes to Maus and his civil rights (Appx-A-C-E). These court's believe that as long as an attorney like Ms. Missimer filed a motion to withdraw off of their clients case, claiming that their client is being disrespectful or disruptive, or wouldn't allow her to file a no merit brief. It seems like an attorney in Wisconsin can get permission to withdraw off of their clients case without filing a no-merit report or follow any part of **Anders or McCoy**, if the Seventh Circuit Court Of Appeals order of March 11, 2020, is allowed to be made law. (Appx-A). Then any attorney in the United States can hate or dislike their clients based on the color of their skin, and get permission to withdraw off of their clients case without filing a no-merit report and sticking their client with doing there own appeal, based on hate claiming there client was disrespectful.. What would be the sense of having **Anders or McCoy**.

The Seventh Circuit Court Of Appeals and the Third District Court Of Appeals abused their discretion when they allowed Ms. Missimer to withdraw off of Maus's appeal without filing a no-merit brief (Appx-A-C-E). **United States V. Smith** 749 F.3d 465, 495 (6th Cir. 2014).

Ms. Missimer was allowed to withdraw off of Maus's appeal (Appx-E), to cover up the following civil right violations. Deputy Osborne planting Maus's license plate number and voice in Ms. Bennetts head (Appx-F-H). the court lacking all jurisdiction over Maus Deputy Murray arresting Maus outside his jurisdiction (Appx-F), no voice line up done

between Maus and Bennetts for identification (Appx-H- and 317-181-182), Deputy Baker and Raddant planting an antifreeze receipt in as evidence, Deputy Baker claiming that he drove from B.J.'s to Ms. Bennetts residence (Appx-F) Deputy Baker and Schiro planting a safe in Maus's car and logging it in as evidence (Appx-I-J), Deputy Baker writing a false report claiming that he got a oral statement from Maus on January 6, 2006 and testified to it (R-317-321), Deputy Schunke and Ms. Bennetts forging Ms. Brown's name on a statement, no probable cause stated in the criminal complaint (R-5), riverside violation, untimely initial appearance and preliminary hearing, no probable cause presented at preliminary to bond Maus over for trial, speedy trial right and discovery violation. Maus being forced to representing himself, the state presenting perjury testimony, attorney Mr. Brown, Mr. Rusch, Mr. Bachman, Ms. Mutter and Ms. Cadwell being ineffective (Appx-N-O-P). The Sheriff's Department destroying Ms. Bennetts 911 tape recordings (Appx-R-S). no identification done between Maus and Mr. Mackenzie

## **ABUSE OF DISCRETION**

*United States V. Smith* 749 F.3d 465, 495 (6th Cir. 2014). An abuse of discretion is deemed to exist when a reviewing court is “firmly convinced that a mistake has been made,” *United States v. Whittington*, 455 F.3d 736, 738 (6th Cir.2006), or when a district court makes errors of law or clear errors of factual determination. See *Clay*, 667 F.3d at 694.

## **EQUAL PROTECTION OF CLAUSE:**

*Olech V. Village Of Willowbrook* 160 F.3d 386, 387 (7th Cir. 1998). we held that the equal protection clause provides a remedy when “a powerful public official picked on a person out of sheer vindictiveness.” *Id.* at 178. Although the clause is more commonly invoked on behalf of a person who either belongs to a vulnerable minority or is harmed by an irrational difference in treatment, it can also be invoked, we held, by a person who can prove that “action taken by the state, whether in the form of prosecution or otherwise,

was a spiteful effort to ‘get’ him for reasons wholly unrelated to any legitimate state objective.” Id. at 180.

## **PROTECT CIVIL RIGHTS**

**Stone V. Powell** 96 S.Ct. 3037, 3052 (1976). State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law. *Martin v. Hunter's Lessee*, 1 Wheat. 304, 341-344, 4 L.Ed. 97 (1816).

## **AFFIDAVIT**

**Howard V. Terry** 2010 U.S. Dist. Lexis. 32177, 18 (E. Dist. Of Wis.). Affidavits can even defeat a summary judgment motion **Payne V. Pavley** 337 F.3d 767, 771 (7th Cir. 2003) and **Sarsha V. Sears Roebuck & Co.** 3 F.3d 1035, 1041 (7th Cir. 1993).

## **ATTORNEY ON APPEAL**

**Betts V. Litscher** 241 F.3d 594, 597 (2002) the Supreme Court of the United States.” *Penon v. Ohio*, 488 U.S. 75, 85-89, 109 S.Ct. 346, 102 L.Ed.2d 300 (1988), holds that when a state court allows appellate counsel to withdraw without an independent judicial determination of the appeal's merit, the defendant is entitled to a fresh appeal without demonstrating that the initial appeal was non-frivolous.

## **INEFFECTIVE OF APPELLATE COUNSEL**

**Johnson V. Thurmer** 624 F.3d 786, 790 (7th Cir. 2010). This same court stated that a criminal defendant possesses a sixth amendment right to effective assistance of counsel throughout his first appeal as of right **Evitts V. Lucey** 469 U.S. 387, 396, 105 S.Ct. 830, 83 L.Ed. 2d 821 (1985). Also see **Dumer V. Berge** 975 F. Supp. 1165, 1172 (1997) , **Barnetts V. Boatwright** 2008 U.S. Dist Lexis. 78706, 15, State Ex. Rel. **Ford V. Holm** 2004 Wi. App. 22, 22.23.

### **809.32. No merit report**

(1) No-merit report, response, and supplemental no-merit report. (a) No-merit report. If an attorney appointed under s. 809.30(2)(e) or ch. 977 concludes that a direct appeal on behalf of the person would be frivolous and without any arguable merit within the meaning of *Anders v. California*, 386 U.S. 738 (1967), and the person requests that a no-merit report be filed or declines to consent to have the attorney close the file without further representation by the attorney, the attorney shall file with the court of appeals 3 copies of a no-merit report. The no-merit report shall identify anything in the record that might arguably support the appeal and discuss the reasons why each identified issue lacks merit:809.32. No merit reports.

### **Ineffective Trial Counsel**

Can a trial attorney refuse to file motions to suppress evidence, or dismiss because they disliked Maus, because he wouldn't allow them to deprive Maus of his civil rights .Violation of Maus's 5th, 6th and 14th amendment.

Between January 18, 2005 thru July 1, 2009. Maus told all of his attorneys that he wanted them to file a motion to dismiss on the following grounds. And they all refused to file a motion. That Deputy Osborne gave Ms. Bennetts. Maus license plate number and told Ms. Bennetts to claim that she recognized Maus's voice during the robbery (Appx-F-H). There never was a voice line up done between Maus and Ms. Bennetts (Appx-H-R-317-181-182), Deputy Murray had no probable cause or jurisdiction to arrest Maus in Marathon County (Appx-F and R-13-22-13), Deputy Baker and Raddant planted an anti freeze receipt as evidence, Mr. Baker wrote a false police report claiming that he drove from B.J.'s to Ms. Bennetts residence (Appx-F-Pg-3), Deputy Schunke and Ms. Bennetts forged Ms. Brown's name on a false statement, Mr. Baker wrote a false police report claiming that Maus gave him an oral statement about the robbery on January 3, 2005, The Langlade County Sheriff's Department destroyed Ms. Bennetts 911 tape recordings

(Appx-R-S-and-R-317-251-252-253), criminal complaint not stating no probable cause (R-5), untimely initial appearance and preliminary hearing (R-300-R-13), no probable cause stated at the preliminary hearing to bond Maus over for trial (R-13), Riverside violation, speedy trial and discovery violation, Maus being forced to represent himself, because his attorney's were all incompetent (Appx-N-O-P). Mr Uttke and Deputy Lenzner giving Mr. Mackenzie a plea before having Mr. Mackenzie give them a statement (Appx-L-M- and R-316-235), Deputy Baker and Schiro planting a safe in Maus's car and logging it in as evidence (Appx-I-J), no identification done between Maus and Mr. Mackenzie, prosecutor misconduct, Judge Stenz and Kennedy being bias, Judge Stenz denying Maus his right to inform the jury that Ms. Bennett's was a drug dealer (R-316-38,39,48,49,50,51 and Appx-K), Judge Stenz <sup>whittening</sup> ~~whiting~~ out part of Mr. Mackenzie's statement (Appx-K-L-Q), so the jury wouldn't read about Ms. Bennetts being a drug dealer.

This kind of misconduct is justified in the court system in Langlade County Wisconsin, because the attorney's that are appointed to people like Maus work with District Attorney Uttke to help get Maus convicted. Maus's attorney's claimed all the marital issues Maus pointed out were frivolous, bordering on science fiction etc. (Appx-N-O-P). These attorney's no they can make these kinds of statement's in motions to withdraw, because they know the state and federal courts that over see Langlade County Circuit Court will protect them and cover up their misconduct (Appx-A-C-E), no part of **Strickland V. Washington, 466 U.S. 312, 518 (1984) Polk County V. Dodson 454 U.S. 312, 518 (1981) and U.S. V. Russell 221 F.3d 615, 620 (C.A. 4, 2000)** no part of **Strickland** applied in Langlade County, because Maus doesn't have no civil rights when it comes to Langlade County, as long as Mr. Uttke gets a conviction. **Pendeton, Marcell and Geinosky**. What is the sense of having a trial attorney appointed if the attorney appointed to them, don't have to protect a defendants civil rights (Appx. N-O-P). In Wisconsin if an attorney doesn't file a motion to dismiss or suppress evidence them issues are waived on appeal. **971.31 (2) WI. Stats., and State V. Berg 342 N.W.2d 258**

## **CASE LAW IN SUPPORT**

### **Ineffective Of Counsel**

**Strickland V. Washington 466 U.S. 668 (1984)** First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable. Unless a defendant makes both showings, it cannot be said that the conviction or death sentence resulted from a breakdown in the adversary process that renders the result unreliable.

### **MOTION BEFORE TRIAL**

**State V. Berg 342 N.W.2d 258, 260, 261 (1983)** Failure to object to a defect in the institution \*\*261 of a criminal proceeding constitutes a waiver. **State v. Copening, 103 Wis.2d 564, 570, 309 N.W.2d 850, 853 (Ct.App.1981).**

**971.31 (2) WI. Stats.** Motions before trial statute law.

### **No Voice Line Up For Identification**

Does the State of Wisconsin have to do a voice line up between the victim and Maus for identification? Violation of Maus's 5th and 14th amendments.

From January 3, 2005, to date the Langlade County Sheriff's Department, nor the State Of Wisconsin never did a voice line up between Maus, and Ms. Bennetts, to see if Ms. Bennetts could identify Maus as one of the people that robbed her.

On January 3, 2005. Ms. Bennetts wrote a (3) three page statement (1) hour after the robbery, and never stated that Maus was one of the people that robbed her. (Appx-H) Deputy Keith Svoboda testified at trial on August 13, 2009 that he didn't do a voice line up between Ms. Bennetts and Maus, because Ms. Bennetts never told Mr. Svoboda that Maus was one of the people that robbed her (R-317-181-182).

If the State Of Wisconsin nor the Langlade County Sheriff's Department doesn't have to do a voice line up, between Ms. Bennetts and Maus, anyone that disliked or hated Maus. Could come to court, and claim that Maus was the person that robbed them, and their word would be good enough, to put Maus and anyone else imprisonment for the rest of their lives. What would be the sense of having identification laws. If a police department or a state didn't have to do a voice line up for identification.

**909.015 (5) WI. Stats. Barns V. State 255 Ind. 674, 676 (7th Cir. 1971) also see Jones V. State 207 N.W.2d 890, 894 (1973) State V. Hubanks 496 N.W.2d 96, 100 (1992) and State V. Ledger 499 N.W.2d 198, 204 (1993)**

This is a case of gross miscarriage of justice. **Stovall V. Denno 87 S.Ct. 1967 (1970)** Ms. Bennetts even stated to Deputy Osborne that she didn't like Maus and was mean to him in the past. (Appx-F). The evidence shows motive to set Maus up. **State V. Joe 541 N.W.2d 837, 7 (1995) also see State V. Johnson 184 Wis.2d 324, 338 (1994), State V. Kaster 148 Wis. 789, 436 N.W.2d 891, 894 (1989), and State V. Kuntz 160 Wis. 2d 722, 467 N.W.2d 531, 540 (1991)**

## **LAW IN SUPPORT**

### **IDENTIFICATION**

**909.015 (5) Wi. Stats.** Voice Identification whether heard firsthand or through mechanical or electronic transmission or recording, by opinion based upon hearing the voice at any time under circumstances connecting it with the alleged speaker.

**Barnes V. State 255 .Ind 674, 676 (1971).** The court has recognized the validity of voice identification in criminal prosecutions **Allison V. State (1960), 240 .Ind 556, 166 N.E.2d 171; Deal V. The State (1895) 140 .Ind 354, 39 N.E. 130.** See also **29 A.M. Jun.2d evidence & 368.**

## **GROSS MISCARRIAGE OF JUSTICE.**

**Stovall V. Denno 87 S.Ct. 1967, 1970** A conviction which rests on a mistaken identification is a gross miscarriage of justice.

**State V. Joe 541 N.W.2d 837, 7 (1995)** “[E]xtrinsic evidence may be used to prove that a witness has a motive to testify falsely.” **State v. Williamson, 84 Wis.2d 370, 383, 267 N.W.2d 337, 343 (1978).**

## **PLANT EVIDENCE**

Can a Police Department plant evidence? Then use the evidence against Maus  
at trial. Violation of Maus's 5th and 14th amendments.

1. On January 3, 2005. Deputy Baker had Ms. Osborne call the Maus residence to find out where Mr. Maus was at (Appx-F).
2. On January 3, 2005. Deputy Osborne called Ms. Bennetts back and gave Ms. Bennetts Maus's licence plate number (Appx-F-H-pg-2).

In talking to dispatch later. I said it could be VBN671.

3. On January 3, 2005. Deputy Osborne called Ms. Bennetts , and told Ms. Bennetts to claim that she recognized Maus's voice during the robbery. (Appx-F) and (R-317-181-182).
4. After January 3, 2005. The Langlade County Sheriff's Department destroyed. Ms. Bennetts 911 tape recordings to cover up, that Deputy Osborne told Ms. Bennetts to

claim she recognized Maus's voice, and gave her Maus's license plate number (R-317-251,252,253) Sheriff Steger admitted that if he gave Maus the persons name who fixed the 911 system on January 3, 2005. It would compromise the district attorney's case (Appx-S) On September 9, 2012 Sheriff Greening stated there was nothing wrong with the 911 system on January 3, 2005. **Cone V. Bell 129 S.Ct. 1769, 1772 (2009) and State V. Parker 263 N.W.2d 679, 682 (1978).**

5. On January 3, 2005. Deputy Resch called Ms. Bissonett minutes after the robbery and gave her Maus's license plate number (R-316-6-7-11).

6. On January 3, 2005. Deputy Baker claimed he drove from BJ's to Ms. Bennetts residence, to place Maus at the robbery . Deputy Baker never drove to Ms. Bennetts residence, but to Mattoon looking for Paul Maus. (Appx-F-Pg-3)

7. On January 5, 2005. Deputy Schunke and Ms. Bennetts forged Ms. Brown's name on a statement claiming Maus helped do the robbery.

8. Deputy Baker wrote a false police report claiming Maus gave Mr. Baker an oral statement (R-179,5,16,17) and (R-317-321).

9. The criminal complaint didn't state no probable cause, but lies.

10. Deputy Baker purchased a safe just like one of Ms. Bennetts, and planted it as evidence in the truck of Maus's car, and had it logged in as evidence. Deputy Baker tried to pass it off the day of trial that he purchased the safe to check paint markings. Langlade County is the only county that purchase the same kind of evidence stole from a crime scene. And logs it in as evidence.

11. District Attorney Uttke and Deputy Lenzner coached promised, and gave Scott Mackenzie a plea deal before he gave them a false statement. (Appx-L-M).

12. Judge Leon Stenz removed part of Scott Mackenzie's statement, so the jury couldn't read that Ms. Bennetts was a drug dealer. (Appx-L-Q).

In Langlade County purchasing evidence, plant evidence and destroying evidence, is justified as long as Mr. uttke gets a conviction. The evidence shows a case of Gross miscarriage of justice, based on hate **Stovall V. Deeno .Id at 1970**. Maus's equal protection of the law's go out the window in Langlade County Circuit Court. **Olech V. Village Of Willowbrook, 160 F.3d 386, 387 (7th Cir. 1998)**, also see **Pendeton V. Madison Police Dept., 2012 U.S. Dist. Lexis. 81892, 5, Marcelle V. Brown County Corp. 680 F.3d 887, 899 (7th Cir. 2012)** and **Geinosky V. City Of Chicago 675 F.3d 743, 747 (7th Cir. 2012)**. The evidence also shows motive to set Maus up. **State V. Joe .Id at 7**.

### **CASE LAW IN SUPPORT**

**Kyles V. Whitley 115 S.Ct. 1515, 1572 (1995)**. serious possibilities that incriminating evidence had been planted. See, e.g., **Bowen v. Maynard, 799 F.2d 593, 613 (CA10 1986)** ("A common trial tactic of defense lawyers is to discredit the caliber of the investigation or the decision to charge the defendant, and we may consider such use in assessing a possible Brady violation"); **Lindsey v. King, 769 F.2d 1034, 1042 (CA5 1985)** (awarding new trial of prisoner convicted in Louisiana state court because withheld Brady evidence "carried within it the potential ... for the ... discrediting ... of the police methods employed in assembling the case").

### **SUPPRESSING EVIDENCE**

**Cone V. Bell 129 S.Ct. 1769, 1772 (2009)** We held that when a state suppresses evidence favorable to an accused that is material to guilt or punishment. The state violates the defendant's right to due process, " irrespective of the good faith or bad faith of the prosecution." **Id at 87, 83 S.ct. 1194, 10 L.Ed.2d 215**, also see **State V. Gibas 516 N.W.2d 785, 788 (1994)** and **State V. Parker 263 N.W.2d 679, 682 (1978)**.

## **Removed From Marathon County**

Could of Deputy Murray removed Maus out of Marathon County without having a warrant or jurisdiction? Violation of Maus's 4th, 5th, and 14th amendment.

On January 3, 2005. Deputy Murray followed Maus into Marathon County for about (1-1/2) miles before he activated his lights, and stopped and arrested Maus without no probable cause or warrant (R-13-22,23). **United States V. Thomas 211 F.3d 1183, 1189 (9th Cir. 2000), United States V. Morris 252 F.3d 1070 (9th Cir. 2001) and Beck V. Ohio 379 U.S. 89, 91 (1964).**

Mr. Murray couldn't of relied on Maus's license plate number or make of vehicle, because Ms. Osborne gave this information to Ms. Bennetts (Appx-F-and-G-Pg-2). Ms. Bennetts told Ms. Osborne and wrote a statement that she got the license plate number off of the front of the car (Appx-F-G). Mr. Murray stated that Maus's vehicle didn't have a license plate on the front of his vehicle at the time Mr. Murray stopped Maus. (Appx-F).

Mr. Murray also couldn't of relied on Ms. Bennetts 911 tape recordings, because the Langlade County Police Department destroyed Ms. bennetts tapes to cover up, that Ms. Osborne gave Ms. Bennetts Maus's license plate number (AppX-R-S). **Kyles Id at 1572, Napue Id at 269, Cone Id 1772, and Parker Id at 682.**

Mr. Murray also couldn't of relied on Ms. Osborne claim that Ms. Bennetts told her. That she recognized Maus's voice, because Ms. Osborne planted this evidence **Kyles Id at 1572** and there never was a voice line up done (Appx-G-and-R-316-181-182).

Mr. Murray turned into being a citizen when he left his jurisdiction of Langlade County and lacked all jurisdiction to remove Maus out of Marathon County, without first getting a court order from a Marathon County judge to remove Maus from that jurisdiction.

**969.11 WI. Stats, County Of Racine V. Oak Creek 477 N.W.2d 318, 321 (1991), also see City Of Waukesha V. Gorz 479 N.W.2d 221, 222 (1991) and State V. Monje 312 N.W.2d 827 (1981),** none of these laws, or statutes were followed.

Mr. Murray couldn't illegally arrest Maus in Marathon County. Then removed him from that county and forced Maus in court in front of a judge in Langlade County to give that county jurisdiction over Maus.

On Nov. 17, 2006. Judge Kennedy tried to get around Maus's jurisdiction argument, by claiming sence Maus was on parole out of Langlade County at the time Mr. Murray arrested Maus, Mr. Murray could remove Maus from Marathon County. Judge Kennedy tried to claim Maus lost most of his civil rights by being on parole. (R-182-55-56). The police can't us a porale agent to get around a fourth amendment violation, neither can a judge, to get around a jurisdictional argument. *State V. Hajicek* 602 N.W.2d 93 (1999) and *State V. Wheat* 647 N.W.2d 441, 446.

What is the sense of having county jurisdictional laws, in Wisconsin if Langlade County doesn't have to follow them. Deputy Murray couldn't of removed Maus out of Marathon County without getting a court order from a judge to remove Maus out of that jurisdiction.

### **CASE LAW IN SUPPORT**

**United States V. Thomas** 211 F.3d 1183, 1189 (9th Cir. 2000) If a police officer relies on information from another government agency in making an investigatory stop that information must itself be based on reasonable suspicion. *United States V. Henstey* 469 U.S. 221, 232, 33, 83 L.Ed.2d 604, 105 S.Ct. 675 (1985), also see *United States V. Morales* 252 F.3d 1070, 1073, 1076 (9th Cir. 2001), and *Beck V. Oho* 379 U.S. 89.

### **LACKED ALL JURISDICTION**

**969.11 WI. Stats.** Release upon arrest in another county.

969.11 (1) If the defendant is arrested in a county other than the county in which the offense was committed, he or she shall, without unreasonable delay, either be brought before a judge of the county in which arrested for the purpose of setting bail or other conditions of release or be returned to the county in which the offense was committed.

The judge shall release him or her on conditions imposed in accordance with this chapter to appear before a court in the county in which the offense was committed at a specified time and place.

**County Of Racine V. Oak Creek 477 N.W.2d 318, 211 (1991)** This is not entirely correct. Section 969.11(1), Stats., envisions limited proceedings in the county of arrest when the underlying offense occurred in another county:

If the defendant is arrested in a county other than the county in which the offense was committed, he or she shall, without unreasonable delay, either be brought before a judge of the county in which arrested for the purpose of setting bail or other conditions \*160 of release or be returned to the county in which the offense was committed. [Emphasis added.

## **PROBATION OFFICER**

**State V. Hajicek 602 N.W.2d 93, 5** Although police officers and probation officers may work together to achieve their legitimate objectives, a probation officer may not serve as a “stalking horse” for the police That is, a probation search, which is constitutionally justifiable on less than probable cause, may not be used as a subterfuge to further a criminal investigation. See *State v. Flakes*, 140 Wis.2d 411, 426–27, 410 N.W.2d 614, 620 (Ct.App.1987); *United States v. Martin*, 25 F.3d 293, 296 (6th Cir.1994); *United States v. Harper*, 928 F.2d 894, 897 (9th Cir.1991). A probation officer serves as a “stalking horse” when the officer uses his or her authority to help the police evade the Fourth Amendment's usual warrant and probable cause requirements. See *Harper*, 928 F.2d at 897.

## **SOLICITING PERJURY**

Can the state of Wisconsin Prosecutor solicit perjury testimony, to cover up that the victim was a drug dealer. Violation of Maus's 5th, 6th and 14th amendments.

On January 11, 2005. District Attorney Uttke had Ms. Bennetts, lie claiming that she recognized Maus's voice during the robbery (R-3-8-9) and (R-17-181-182) and (Appx-H) **Barnes .Id at 894, Jones .Id 894, Hubanks .Id at 100 and Ledger .Id at 204.**

On August 12, 2009. District Attorney Uttke had Ms. Bennetts lie claiming that she recognized Maus's voice during the robbery (R-316-95, 317-181-182) and (Appx-H). Uttke even had Ms. Bennetts claim that she didn't commit perjury (R-16-156). Mr. Uttke had Ms. Bennetts claim that she took the \$ 16,000 cash drug money out of the bank the day before the robbery to buy a new truck . (R-16,104-107)

On January 31, 2005. Ms. Bennetts testified that she didn't have the \$16,000 drug money in the bank because she didn't trust banks (R-13-14).

On August 12, 2009. Mr. Uttke had Mr. Mackenzie lie claiming that Maus helped him do the robbery (R-316-206-208).

On August 13, 2009. Mr. Uttke had Mr. Baker lie claiming, that Maus gave him an oral statement on January 6, 2005. (317-321).

Committing perjury in Langlade County is justified, as long as the person who is presenting the perjury testimony is the state. Both Judge Stenz and Mr. Uttke knew the \$16,000 cash Ms. Bennetts had in her house on January 3, 2005, was drug money and that Ms. Bennetts didn't take the money out of the bank the day before, the robbery and Mr. Uttke was well aware that Mr. Mackenzie was committing perjury, because both Mr. Uttke and Mr Lenzner coach and made a deal with Mr. Mackenzie to give them a statement, and testify to it what they wrote up themselves (Appx-L-M), but making plea deals and coaching witnesses before taking a statement from them in Langlade County is justified.

Judge Stenz and Mr. Uttke were well aware the statement Mr. Baker testified to, was also a lie. (R-179-16-17). This kind of misconduct is justified in Langlade County as long as the state is presenting it and gets a conviction.

## CASE LAW IN SUPPORT

**Shasteen V. Savor** 252 F.3d 929, 933 (7th Cir. 2001) The Supreme Court has clearly established that a prosecutor's knowing use of perjured testimony violates the Due Process Clause." *Schaff v. Snyder*, 190 F.3d 513, 530 (7th Cir.1999). also see **United States V. LaPage** 231 F.3d 488, 491 (2000).

## GERRI BENNETTS DRUG DEALING

Did Maus have a due process right to question Ms. Bennetts about being a drug dealer?

Violation of Maus's 5th, 6th, and 14th amendments.

On August 12, 2009. Maus was denied his due process rights, to attack Ms. Bennetts credibility about being a drug dealer (R-316-48-49-50-51), and pointing out to the jury that other people could of robbed Ms. Bennetts, because she was a drug dealer, and had big amounts of cash on hand.

Judge Stenz wasn't only bias (R-316-48,49,50,51). When he denied Maus his confrontation clause to attack Ms. Bennetts about being a drug dealer. **Franklin V. McCaughtry .Id at 4**, but abused his discretion.

The evidence also shows Ms. Bennetts had motive to set Maus up (Appx-F). Ms. Bennetts told Deputy Osborne that she never liked Maus, and was mean to him in the past **State V. Joe .Id at 7**.

**Del. V. Van Arsdall** 106 S.Ct. 1431, 146 (1986) We think a criminal defendant states a violation of the confrontation clause by showing that he was prohibited from engaging in otherwise appropriate cross-examination designed to show a prototypical form of bias on the part of the witness, from which jurors...could appropriately draw inferences relating to the reliability of the witness." **Davis V. Alaska Supre**, at 318, also see **United States V. Ray** 731 F.2d 1361, 1364 (1984), and **Wheeler V. United States** 351 F.2d 946, 947.

## JUDGE STENZ BEING BIAS

Was Judge Stenz bias when he wittened out part of Scott Mackenzie's statement to cover up Ms. Bennetts drug dealing ? Violation of Maus's 5th, 6th and 14th amendments.

Judge Stenz was bais and pure vindictive when he took it within his own hands over Maus's objections, and wittenned out part of Mackenzie statement (Appx-Q-L) and committed misconduct on the bench. *Olech V. Village V. Of Willowbrook* Id at 387 (7th Cir. 1998).

Judge Stenz was bais when he held Maus in contempt of court on July 1, 2009 (R-314-16-17), because Maus pointed out how ineffective Attorney Cadwell, and all of his other attorney's were, and how the police are allowed to plant evidence and lie on the witness stand, and nothings done about it. (R-314-5-6). Judge Stenz was bias when he told Maus that he is going to hold Maus in contempt of court, and remove Maus from the courtroom if Maus informed the jury that Ms. Bennetts was a drug dealer. (R-316-38,39,40,48,49,50,51).

Judge Stenz was bias when he allowed Ms. Bennetts to get on the witness stand and commit perjury. When Judge Stenz knew the \$16,000 Ms. Bennetts had in her residence on January 3, 2005, was drug money. (Appx-K), and allowed Ms. Bennetts to claim that she took the money out of the bank the day before the robbery. (R-316-48,49,50,103,104,107).

Judge Stenz was bias when he told District Attorney uttke in front of the jury to object, more so he could sustain Maus's questions. Maus wasn't only being prosecution by District Attorney Uttke, but Judge Stenz did everything he could to help District Attorney Uttke get Maus convicted.

Maus thought a judge was suppose to protect a person's civil rights, not walk all over them, and help the state get a conviction placed against him. *Stone V. Powell* 96 S.Ct. 3037, 3052 (1976) what is the sense of having civil rights if a judge doesn't have to protect them.

## CASE LAW IN SUPPORT

### BIAS JUDGE

**Franklin V. McCaughtry** 398 F.3d 955, 4 (7th Cir. 2005). The Due Process Clause guarantees litigants an impartial judge, reflecting the principle that “no man is permitted to try cases where he has an interest in the outcome.” **In re Murchison**, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed. 942 (1955) also see **Delvechio V. Ill Dept. Of Corr.** 8 F.3d 509. 514 (7th Cir. 1993).

### NO OUT OF COURT IDENTIFICATION

Did the State of Wisconsin have to do a photo array, or line up to see if Mackenzie could even identify Maus. Violation of Maus's 4th, 5th, 6th and 14th Amendments.

On January 5, 2006. Maus filed a criminal john doe complaint in Langlade County, about Ms. Bennetts dealing cocaine and that District attorney Uttke, Sheriff Steger, Deputy Baker and Mr. Schunke were all taking drug money from Ms. Bennetts (Appx-K). After Maus had Ms. Bennetts arrested for selling cocaine (Appx-K) Mr. Uttke and Mr. Schunke retaliated, back at Maus. **Pena V. Greffet** 922 F. Supp.2d 1187, 84 (2013), **Nichols V. Schilling** 2011 U.S. Dist. Lexis. 46709, and **Matta V. Anderson** 685 F.Supp.2d 1223, 1245 (2010), and had Mr. Mackenzie and Mr. McGovnor arrested off of the false statements.

On April 11, 2006. Mr. Uttke and Deputy Lenzner coached and promised a plea deal to Mr. Mackenzie if he placed Maus at the robbery with him without doing any kind of identification line up to see if Mr. Mackenzie even knew Maus (Appx-L-M). **United States V. Gallo-Moreno** 584 F.3d 751, 757 (7th Cir. 2009), also see **Kaminski V. city of Whitewater Wis.** 877 Supp. 1289, 1294 (1995) and **U.S. V. Telfaire** 469 F.2d 552, 558 (1972).

In Langlade County the identification laws don't apply, as long as District Attorney Uttke gets a conviction . Maus even filed a motion to have an identification line up done to see if Mr. Mackenzie could identify Maus. This request was ignored (R-88). As long as Langlade County doesn't have to be forced to do identification lineups, people like Maus that they hate will never get a fair trial in that county, and be placed in prison based on hate, vindictiveness and retaliation and based on a person's word.

## CASE LAW IN SUPPORT

### IDENTIFICATION

**United States V. Gallo-Moreno 584 F.3d 751, 757 (7th Cir. 2009)** In the context of witness identifications, the Supreme Court has explained that “[i]t is the likelihood of misidentification which violates a defendant's right to due process.” *Neil v. Biggers*, 409 U.S. 188, 198, 93 S.Ct. 375, 34 L.Ed.2d 401 (1972). *Manson v. Brathwaite*, 432 U.S. 98, 97 S.Ct. 2243, 53 L.Ed.2d 140 (1977),

### CONCLUSION

Maus respectfully request the court to reinstate Maus's appeal rights and vacate his sentence on a case ~~on appeal~~ of miscarriage of justice.

The petition for a writ of certiorari should be granted

Respectfully submitted,

Brian Maus

Date: JUNE 8, 2020