CASE NO. 21-8192

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES OF AMERICA

RONNIE LEE THUMS Pro se #381472
Petitioner, From: USCA 7 No. 20-3142

vs.

SOLICITOR GENERAL OF THE U.S., 7th Cir. Ct. App. Judges: WILLIAM SCUDDER, AMY ST. EVE, Federal District Judge WILLIAM M. CONLEY, WI SUPREME Ct. JOHN DOE, WI Ct. App. Judges: LUNDSTEN, SHERMAN, and BLANCHARD, JACKSON COUNTY: District Attorney GERALD FOX, Judges THOMAS E. LISTER, JOHN J. PERLICH, & ANNA BECKER, WI Attorney General JOSH KAUL, & A.A.G. SANDRA TARVER, THOMAS BALISTRERI, GOVERNOR TONY EVERS,
Respondents.

NOTE: 28 USC §2403(a),(b), & 28 USC §1257 applicable

PETITION FOR WRIT OF CERTIORARY FOR 7th Cir., and FEDERAL DISTRICT COURT'S DENIAL OF PRE AEDPA DE NOVO REVIEW, DENIAL OF APPEAL COA OR NOT, DENIAL OF HABEAS CORPUS 28 USC §2254. A.G.'s FRAUDULENT PLEADINGS, and REVIEWING COURT'S UNREASONED FALSE FINDING OF FACTS, and IMPROPER STANDARDS OF REVIEW TO: ALL OF THUMS'S Pro se PLEADINGS, AND ATTORNEY STEPHEN J. HOUSES REJECTED PLEADINGS FOR: AN [EXTRAORDINARY No. of 'So-Called ERRORS'] CAUSING THUMS IRREPARABLE HARM BY INTENTIONAL FALSE FINDINGS, BY APPARENT COORDINATED COVER-UP OF CRIMINAL JUDICIAL OVERSTEPPING AND SO TO KNOWINGLY MAINTAIN THUMS' WRONGFUL CRIMINAL CONVICTION.

PETITION FOR WRIT OF CERTIORARI

BY: RONNIE LEE THUMS pro se #381472
COLUMBIA CORRECTIONAL INSTITUTION
P. O. Box 900
PORTAGE, WI 53901

CC: To All Respondents.

Note: Thums may not be directly reached by telephone at CCI; 608-742-9100; and is 'Programed / Staffed to be 'Transferred to another Institution / unknown

SECTION I.
QUESTIONS

1. Whether a judge, sitting on the bench; admitting; not having jurisdiction over an issue, but makes a criminal threat to sue defendant of liable; while appearing to control his properties; if def/pet. 'ever' again raised the issue of judge's; 2 times; meeting ex parte off the record with the deliberating jury; in the jury room, on subject matter of entire jury panel bias, arising at voir dire; itself might require a retrial; and if historical facts of record before the court's; are proof, or evidence; the ex parte's actually occurred as Thums had plead; all through; [one in the Morning, per jury note #5 (FH dkt 21 pg 64 of 142; app 5), and one in the afternoon at 1:15 pm (FH dkt 18-20 pgs 41-49 of 57)] actually establish bias jury, reversable error, judicial abuse of discretion or IAC because:

   a) not considered to be harmless procedural matter?

   b) no delivery of a requisite cautionary instruction so to protect defendant from further prejudice?

   c) jury may have interpreted that judge had found it necessary to protect jury from defendant?

   d) Thums was denied his right to be present, and to have counsel; at a critical stage, confront?

   e) error by trial counsel; waiving Thums' presence; not informing Thums, upon learning of 'bias jury' not moving for 'mis-trial,' at least a hearing?

   f) as Thums plead pro se all along; Johnson v. Zebst 304 U.S. 458; FH dkt 21 Ex.'B' loss of jurisdiction failing to complete the court,& couldn't impose JOC?

   g) [illegible] abuse of process, office, or; reckless

disregard for defendant's right's; denying defendant Thums opportunity to explain and molify jury's concerns; evince objective judicial bias?

h) Remmer v. U.S., 347 U.S. 227, 227 U.S.S.Ct. 509 requires a new trial if even one juror expresses such prejudice towards defendant, or a hearing?

i) might amount to; jury tampering, and or coercion?

j) judge Lister's undated animate denial (app 10) must be overcome by the actual court records; to which Thums placed before all reviewing court's; also pleading; when Thums was personally able to show such to A.C. House; House sank in chair; exasperatinly wheezed; "Son of a _____;" apparently for allowing judge Lister' to dupe him into believing it never happened; as Thums inferred; as the record speaks for itself?

k) because the 7th Cir. as all other's; side-stepped the facts Thums plead; Scudder and St. Eve; sidestepped the sidestepping? Cf. Q. 80 at end

2. Whether Thums following WI S. Ct. St. ex. rel. Fuentes v. Court of App. WI, 225 Wis. 2d 446, 593 N.W. wd 48, **(1999)** cited in WI Stat. and Annota. §782.03 History; and also in; WI Constitution Art. I §8 Habeas Corpus, and Bail; Stating:

"A defendant's prejudicial deprivation of appellate counsel, be it the fault of the atty, or the app.Ct. is properly remedied by a petition for a 'Writ of Habeas Corpus' in the: [[Supreme Court?]]"

or, might excuse the exhaustion requirement forfeiture so to allow federal review; considering Thums' Petition was to the WI S.Ct. denied ex parte apparently for being in wrong forum; because Thums didn't follow:

"State v. Knight, 168 Wis. 509, 484 N.W. 2d 540 ** **(1992)** law overridden by WI S.Ct. in Fuentes (1999)? but still requiring IAAC claim filed in WI Ct. APP?

3. Whether the conflicting law apparently unrecognized by WI and Federal Court's alike should be cause in F.H.

Court of William Conley to afford Thums relief under:

Bartone v. U.S., 375 U.S. 52, 54 (1963); "Where state snarls and obstacles preclude an effective state remedie against unconstitutional convictions; Federal Court's have 'no other choice' but to grant relief;" or:

a) whether where Thums plead to The 7th Cir. Ct. App. for Stay and Order for 'Certification of Questions of State Law; but was denied might have been denial of Thums' due process if the questions were determinate to that outcome; or either abdication of duty or by abstention doctrine? Did Conley abuse discretion in denial?

4. Whether the 7th Cir. Ct. App. violated Thums' fair due process, or equal protection by:

a) finding that Thums made no showing of a substantial denial of Constitutional right's denying Thums an appeal or a COA when Thums presented The Court with a 'Dual Motion' enumerating 165 trial attorney errors?

b) not affording Thums any review as to if Thums' issues qualified for review pre-AEDPA?

c) not reviewing de novo the issues Conley dismissed by standing on a state imposed procedural bar;?

d) failing to hold Conley Fed. Dist. Ct. to:

Townsend v. Sain, 83 S.Ct. 745; "We hold that a Fed. Ct. must grant an evidentiary hearing to a habeas applicant under the following circumstances: (1) the merits of the factual dispute were not resolved in the state [hearing / proceeding], (2) the state factual determination is not fairly supported by the record as a whole, (3) the fact finding procedure employed by the state court was not adequate to afford a full fair hearing; (4) there is a substantial allegation of 'NDE'-Newly Discovered Evidence; (5) the material facts were not adequately developed at the st. ct. hearing; or (6) for any reason it appears that the state trier of fact did not afford the habeas applicant a full, and fair hearing;

considering Thums made pleas to Conley that the state findings of fact were objectively unreasonable, and

that; "No reasonable juror / jurist could agree with: Lister's denial of ever meeting with jury during their deliberations, or Perlich's assessment of Thums' pro se WI Stat. §974.06 [only] pro se 'Collateral Attack' pleading IAPCC / Ineffective Assistance of Post Conviction Counsel for PC/App. Counsel Stephen J. House failing to raise clear plain obvious issues carrying much greater weight; wherein Thums placed 591 pages in judge Perlich's lap; but Perlich ruled: Thums plead no new facts, all the issues Thums raises have alredy been addressed and that they should have been raised on earlier pleading, etc...that Thums allegations in his pro se 974.06 were 'mostly conclusory,'and, or that Perlich's non-sequitur statement that; 'because the issue of Ineffective Assistance of Trial Counsel IATC was litigated therefore the issue of PM -Prosecutorial Misconduct was too?"

5. Whether the 7th Cir. errored failing to recognize Thums had plead: IATC, IAPCC, IAAC, Evidentiary Errors, Instructional Errors, and many more; but the Dist. Ct. judge Conley failed or refused to afford any of those issues fairly in accord to the historical facts as Thums had plead; where: Rios v. Rocha, 299 F3d 796 (9th Cir 2002), Griffen v. Pierce, 622 F3d 831, 843 (7th Cir. 2010), & Blake v. U.S., 723 F3d 870, 888 (7th Cir. 2013); mandate: "A st. Ct.s conclusion of an 'IAC' claim present; mixed quesitons of fact and

law, and must be reviewed de novo?

6. Whether the Federal Court's denied Thums fair due process in making no inquirey or analytical review as to if Thums' claims that the st. ct.s got it objectively unreasonably wrong in their factual determinations they used imposing various procedural bars; or if Thums' case qualifies as an: [[Extraordinary Case]] for the sheer number of errors claimed affecting all aspects of the criminal trial; and; it just may be that; [at no time in this country's history, has a pro se litigant filed a 591 page production pleading over 40 separate issues rising to constitutional violations where there were 178 pages of actual material allegations warranting relief (each themselves) and the bulk of remaing pages were referenced hundreds of times in the brief (mis-nomer) directing the Perlich Court to each of those supporting documents in the appendices substantiating Thums' truth's; in a simple show and tell demonstration if; Shinn v. Martinez-Ramirez v. Jones; 2022WL1611786. No. 20-1009 (May 23, 22) could apply by;

> "No matter what the petitioner must convince the Fed. Habe. Court that 'law and justice' requires relief; otherwise he is never entitled to it." "Must demonstrate that no fair minded jurist could reach same judgment as st ct." "If a st ct dismissed Fed. Claim. for st. procedural default; such a Fed. Claim is technically exhausted on Fed. Habe review because in habeas corpus context; remedies are **exhausted** when they are no longer available regardless of reason for unavailability?"

7. Whether Shinn supra; should apply in Thums' case;

concerning Thums' 39 times pleading IAPCC, numerous trial counsel errors, and other Constitutional violations that Thums also plead were effectively barred for; [State's paid; Public Defender's] failures when it has been stated before that;

> "6th Amendment IAC requires responsability for default be imputed to state because violation of the right to counsel must be seen as an external factor to prisoner's / appellant's defense:?"

8. Whether Thums' pleadings were fairly accepted on their face, and afforded any consideration as being an unlearned pro se inmate under extreme conditions, and, or whether if the following might further apply:

> Haines v. Kerner, No. 70-5025 93 S.Ct. 59 (1-12-1972) Xiuquing Jiang v. Mukasey, 285 Fed. App. 824, Kithcart v. Merk, and Co. Inc., U.S. S. Dist. Ct. N.Y. Oct 2012, Wright v. N.Y., 378, 381 F3d 41 U.S. (2nd Cir.) or Moore v. N.Y., 378 Supp. 2d 202; all do

suggest: "reviewing court's should consider pro se pleadings to have raised the strongest possible arguments;? facts presented?

9. Whether the res judicata, prior litigation rule should hold up in Thums' case considering the Court's based the; State v. Witkowski, 163 Wis. 2d 985, 990 473 N.W. 2d 512 (1991) bar) on Thums for supposed prior adjudication of the issue of trial counsels failure to object to an incorrect in law, one sided favoring state's theory, not actually answering the jury question; because it was raised on direct appeal, even though it was barred on direct review by the WI Ct. App. as waived; citing; Best Price Plumbing, Inc.

v. Erie Ins. Exchange, 2012 WI 44, ¶37, and State v. Johnston, 184 Wis. 2d 794, stating: "The law is well established that the failure to object to a jury instruction at trial forfeits the right of direct review of that instruction on appeal.. No objection was raised by Thums to the additional instruction at trial, and in fact, Thums' attorney advised the circuit court after the insttruction was given that the defense was satisfied with the instruction. Accordingly, we need not address the merits of Thums' jury instruction challenge." "¶20; However, even if we were to address the merits"

Does the WI Ct. App. here above at any point satisfy; the; 'Plain Statement Rule,' as to explicit reliance on a procedural bar? And, or, can their hypothetical "however, even if we were to address..." count as an actual litigation on the merits; citing: Sanders v. Cotton, 398 F3d 572 (7th Cir 2005), & U.S.V. Triplett, 996 F 3d 829; concerning satisfying an 'independent' st. ground to bar federal habeas review?

10. Whether Thums satisfied; Lee v. Davis, 328 F3d 896 900 (7th cir 2003) or Franklin v. Gilmore 188 F3d 877, 883 (7th 1999) to establish 'cause' for procedural default; to any of the refusals by state to hear the federal claims?

11. Whether Thums fairly presented his 'Federal Claims' to the State Court's in Thums' pro se 974.06 by citing governing cases of both state and federal governing law in that petition so to satisfy; Sweeny v Carter 361 F3d 327; also requiring petitioner state the material operative facts?

12. Whether the federal court's errored in affirming WI Ct. App. dismissal of atty. House's pleadings on

direct appeal; ipso facto the WI Ct. App. itself 1st errored concerning House's presentations; to which the WI Ct. App. found that House failed to explain the 'Why's' it was deficient trial counsel to go along with the court sending the extrinsic extraneous very harmful letter implicating Thums the defendant in an old homocide to the deliberating jury, and why it was deficient counsel to not object to the jury re-instruction; where House did state the material facts to each? FH dkt 18-5 WI Ct. App. House FH 18-2, & 18-4; and did WI Ct. App. further error @ ¶34 dkt 18-5 when Thums at no time waived or recanted anything?

13. Whether the federal court's should have considered the issues that House exhausted fully in Petition For Review FH dkt 18-6 concerning the "incorrect in law jury re-instruction," or the "IATC" claim as far as House exhausted those claims?

14. Whether the WI Ct. App. errored double dipping concerning the un-objected to illegal jury instruction, 1st deeming it barred against atty Houses pleadings, and upon Thums pro se re-iterating and more fully explaining both the J.I., and Extrinsic Information issues, as being barred for res judicata citing Witkowski supra?

15. Whether Thums' pleading an 'External Impediment' as cause for filing 2 days late with his pro se Petition For Review to the WI Supreme Ct.; before federal judge Conley met the requisite pleading standard;

a) to show that Thums was actually deprived of his rightful legal materials;

b) to show that it was a force external to defense, or beyond his control responsible for the impediment;

c) to show that the interference was during a critical relevant time;

d) to show that the external impediment was the proximate cause for Thums not meeting a state procedural filing non-extendable 30 day deadline;

e) to show that it was actually a state government entity that deprived Thums of his documents for nine (9) days, and yet still failed to provide Thums with his properly requested legal copies;

f) to show that it was actually an unaproved policy in isolation to the one single prison Thums was currently housed in; that was the proximate cause for the foul up / clerical error;

g) to demonstrate that such clerical error was still no excuse for a nine day deprivation, because in numerous attempts to gain legal copies both prior to the deprivation and post, such error had not hindered the process;

h) that the Warden Dittman and his underlings imposing this unique unapproved by proper D.O.C. administration; was the direct and ultimate cause;

i) that it was actually Thums' opponent in this litigation that made it impractable for Thums to satisfy his full compliance with state procedural rules; resulting in both state denying Thums review, as well as full fair federal review on merits for failure to exhaust;

and, whether Fed. Dist. Judge Conley abused his discretion ignoring the documents Thums placed in his lap; establishing the above; specifically referencing and directing Conley to them?

16. Where the St. Ct's made factual determinations without affording Thums a hearing; where Thums plead to

the fed. habe ct. that; the factual determinations that the state court's made in denying Thums a hearing, or relief, and founded their multiple bars precluding review or relief at st. and fed. levels were objectively false; (Cf. Q 6. above) might it be that; the Circuit Court's in the Federal realm differ so; for not affording Thums any determinations by a full fair review of the historical facts of record as Thums had presented; was this 7th Cir. and Fed. Dist. Ct.s decisions inconsistent to other circuit's, or merely their approving or sanctioning of lower court's denials of 'due process', or 'equal protection' for orchestrated cover-up of lower court's errors, including trial ct. sentencing judge Thomas E. Lister's improper jury contact, Lister's criminal threat to harm Thums' property, or Lister's seemingly forming an illegal agreement with Thums' 'Trustee's, and 'Estate Counsel' to deny Thums his rightful monies he needed to wage a meaningful appeal; where by Lister had no jurisdiction to make such a deal, or issue such an order?

17. Whether Conley's affirmation of WI Ct. App. factually incorrect finding that Thums failed to appeal Lister's re-imposition of large fine; might prove that Conley gave Thums' presentations little, or no consideration, attention, or credence?

18. Where fed. habe judge Conley stated: "For a st. procedural rule to be adequate..." FH dkt 31 pg 19:

whether Conley's failure to make any determination as to if any of the state bars also satisfied the 'Independent,' requirement was error, or demonstrated Conley's own unwillingness to properly address the merits of Thums' Constitutional claims?

19. Whether Conley errors failing to recognize, or accept the 'Trial Court Records,' he recites of pgs. 8-9 of dkt 31; and later states: "there is no proof..., & there is no evidence establishing prior discussion occurred..." and whether these obvious refusals by Conley to accept the true facts as they are before him, and supplant them with his own unfounded chimerical supposition and speculation; are / is further evidence of abuse of discretion, abuse of office, even collusion to deprive Thums of his rightful due process and 'Freedom?' Cf. Dkt 31 Fn 7 pg 9

20. Whether any of Conley's other numerous factual or legal conclusions of error further evince Conley was inconsistent, and unfair by stating:

a) Fn 6 pg 8: "Thums absence...assumed... jury's security concerns... not being meritorious;

b) pg 10; stating that House had filed a WI 974.02 whether this misrepresentation was willful misdirection intended to legitimize House's 974.06;

c) pg 14; "Judge Lister declined to recuse himself, issued an order on July 17, 2014, finding That Thums had the ability to pay, and reimposed the fine of $45,000. Thums did not appeal."

d) pg 15; "Circuit ct... too conclusory..." "WI Ct. App. ...ruled... all of Thums' claims were either conclusory, had been previously litigated, raised

in wrong forum,...barred by failure to raise in initial posttrial proceedings."

e) pg 16; Conley correctly recited the; State v. Romero-Georgana, 2014 WI 83, procedural bar properly; ignoring fact that WI Ct. App. seems to have yet again elevated pleading standards stating; "...and does not 'explain [why] that argument was "clearly stronger"..."

f) pg 16; "Finally, the court ruled that a 974.06 motion was not the proper procedural vehicle for Thums' claim that his PCC, & direct app. atty..."

g) pg 17; "Thums filed a second PCM under 974.06;"

h) Pg 22; "Moreover, petitioner did not cite to the Sixth Amendment to the U S Const., which guarantees right to an impartial jury, nor cite to any case law that might have alerted the state..." "...[not] on any misconduct or bias on the part of the jurors themselves."

i) Pg 23; "Fn 11; "it is unnecessary to address... this court's finding above that petitioner defaulted by failing to appeal from the trial cts. order denying recusal on remand."

j) Pg 24; "However, petitioner cites no authority nor provides no explaination for not appealing Judge Lister's denial of his m otion for disqualification. Indeed, petitioner raised the issue in a formal motion, and the trial court [specifically] denied that motion on the record at outset of the remand hearing...no authority"

k) pg25; "It is not even clear whether any such communication was ex parte, since the court may have addressed the jury in counsel's presence, but off the record." "...ex parte communications off the record do not amount to Constitutional error absent proof of prejudice..." "...brief procedural remarks and does not discuss fact in controversy... and Fn 12;" more probable bailiff ..."

l) pg 26; "seems to concede... no basis... prejudicial

m) pg 27; "...he lost 9 days due to a clerical delay beyond his control, he still had 21 days left to file his petition...much less that government officials were to blame for his delay."

n) pg28; "...the State is right to point out that petitioner failed to raise claim of IAPCC in 1st..."

o) Pg 29; "...his claim of IAAC, he has not defaulted it, although he [has] failed to exhaust it;"

p) pg 32; "Nothing that Thums points out in this record comes close to showing that a reasonable jury could not believe the latter version of events.

q) Pg 36; "...a more neutral response. Moreover, the jury instructions made clear that they needed to find an overt act beyond mere planning and agreement in order to comvict Thums on conspiracy charge, [[something jury obviously understood as evidenced by their quesiton to the judge.

r) Pg 37; "...this court generally cannot review a claim of erroneous jury instructions unless it immplicates petitioner's due process right to a fair trial... In the end the jury simply did not believe him. ...the trial was not reasonably likely to have been different... because fair minded jurists could certainly agree with the WI Ct. App. conclusion that Thums had not been prejudiced by his counsel's performance..."

s) pg 38; "Given petitioner plainly failed to timely pursue his st. app. remedies...and he has failed to establish any colorable grounds to excuse his failures for cause or under the miscarriage of justice exception, no reasonable jurists would find it debatable..."

or if any of these mis-statements or misdirections as to true facts can be established by the record?

21. Whether Thums' pro se 974.06 pleading Prosecutorial Misconduct; under IAPCC; where Thums explained that such a finding would not just warrant reversals all by itself; but preclude a retry as well; met the clearly stronger pleading standard where Thums more than 50 times recited express statements by Prosecutor Gerald Fox, his suborning purjered testimony he knew to be false by his own discovery, where the testimony was material to element of crime;

expressly explained what false stattements were made by states witness and the state, explained exactly what Fox told jury in way of incriminating evidence he promised to show them, that he knew didn't exist, and all the rest Thums plead within the four corners of his only pro se 974.06, and whether the WI Ct. App. appears to have actually bent the; State v. Romero- supra @ Q 20. e) to suit their own desires in violation of due process, and, whether the Romero June 23, 2014 new heightened pleading standard as properly stated; could be enforced to deny Thums when it was a surprise new law written after Thums had completed his research of the many cases cited in his 591 page 974.06 megillah, and if Romero, can survive constraints of 'regularly followed, well established, and independant' state procedural rule to deny Thums relief; given the proximity to Thums' filing; & whether Thums met that standard regardless?

22. Whether meeting the 'Strickland v Washington, 466 U.S. 688, 104 S.Ct. 2052; IAC pleading standard in a 974.06 PCM 'Collateral Attack,' substantiating viable meritorious trial counsel errors that if true would warrant relief; has then also met the 'clearly stronger' pleading standard ipso facto by;

> Minnick v. Winkleski, 15 F 4th 460; 7th cir 2021; "Hn33; "the U.S.S. Ct. and Ct. App. employ the same standard in analysing IAC claims by requiring petitioner to [show] that a claim that PCC did not raise was clearly stronger than the claim counsel did;" &

> HN34; "The 'Clearly Stronger Standard' does not impermissibly add to the 'Strickland Test' for a claim of IAPCC; but instead applies to the [deficiency prong] in the appeals context, where counsel is encouraged to winnow the issues selected."

by substantiating in his 974.06 that trial counsel had documents to inform Thums of viable legal defenses, and request such; where this single failure establishes Constitutionally deficient trial counsel, (wherein Thums established many more Const. errors) and errors by counsel; had he satisfied by; Minnick?

23. Whether Thums' counsels' failure to file a 974.02, would the state foreclosure rule falling under 974.06 and Page v. Frank, 343 F3d 901 (2003); still be applicable even where counsel admitted error, but could not provide an explaination as to why; and where it was counsels admitted error ultimately foreclosing Thums' pleadings; was it error for federal court's failure to hold the State Court's or themselves to:

> Fay v. Noia, 83 S.Ct. 822 (1963); "Doctrine under which state procedural bars are held to constitute an adequate state law ground barring a direct Supreme Court review; but is not to be extended to limit power granted to federal court under Federal Habeas Corpus." Cuyler v. Sullivan, 466 U.S. 335, 344, 100 S.Ct. 1708, 1716, 64 LEd. 333 (1980); "If the procedural default is the result of ineffective assistance of counsel, the 6th Amend. itself requires that the responsibility for the default be imputed to the state;" Rose v. Lundy, 455 U.S. 509 318 102 S.Ct. 1198, 1203, 71 LED 2d 379 (1982)

and might these principles also apply when a Public Defender (an employee of the state) failed to raise viable meritorious issues on initial review; where because of it; Thums had bars placed against him?

24. Whether such an untimely premature filing forbidden under WI Stat. §974.06(1) and common law forbidding filing any 974.06 while an appeal is pending; and, or, prior to the time to file a 974.02 has expired; can be legitimately used to impose a bar to a pro se proper later filed §974.06, or would such an illigitimate filing preclude or deprive the ct. of competence, and jurisdiction to hear it; and might it further; require a void, and nullification of the purported determination of the illigitimate filing, and all findings based upon the illigitimate order?

25. Whether WI Ct. App. finding Thums does not provide sufficient factual allegations to support his argument that; [the State knowingly submitted false evidence or knowingly made false statements to the jury; might in itself be a merits determination that could not foreclose a federal review; if in fact that statement of the court's findings; related to law were true?

26. Whether; in the instant case at hand; the State v. Romero-Georgana; 360 Wis 2d 522, 849 N.W. 2d 668 of (June 23, 2014); if the Romero bar can survive or withstand the; 'regularly followed,' the 'independent of federal law,' and the 'surprise prohibition's;' then might this U.S. S.Ct. consider application of; Ford v. Georgia, 111 S.Ct. 850, No. 87-6796, (1991) also addressing whether the WI Ct. App. mis-applied Romero in the sense that it may have supplanted, or

superimposed inappropriate verbiage, non-specific, or verbatim to the rule and or spirit of the law, while simultaneously blatantly ignoring all of Thums' many well plead, and proven material facts challeng- PC/AC House's performance on; ['Direct Review'] in Thums' pro se 974.06 announcing his pleas of IAPCC 39 plus times; and find that the WI Ct. App. findings of fact and law to; indicated by that court, to be ipso facto false and inadequate, and in some instances unreasonable to a degree that no reasonable person / juror / jurist could not disagree; and make a determination as to if the CIR.Cts. misplaced, dismissive, disassociative, devisive, inconsistant, use of vernacular by skilled linguists or polyglots in a philological game of semantics [redacted] little more than; a perfunctory preemptive overt attempt to preclude forseeable future relief by a false construct of, WI Supreme Court's governing law in Romero, where it clearly said:

a) "A claims strength may be bolstered if, a defendant directed his attorney to pursue it;"

b) HN7; "If the defendant sufficiently alleges ineffective assistance of postconviction counsel (IAPCC) as the reason for failing to raise an issue earlier, [[the trial court can perform the necessary fact finding function,]] and directly rule on the sufficiency of the reason;"

c) HN7; Cont... "Conversely, if the defendant fails to allege why and how his postconviction counsel was Constitutionally ineffective-that is, or (viz) if the defendant asserts a mere conclusory allegation that his counsel was ineffective-his reason is not sufficient;"

d) HN8; "...a defendant must allege sufficient material facts-e.g., who, what, where, when, why, and how-that if true; would entitle the defendant to the relief he seeks. If he does so he's normally entitled to an evidentiary hearing;"

e) HN10; "An allegation that postconviction counsel failed to bring a claim that should have been brought is an allegation that counsel's performance was Constitutionally deficient, that it fell below the services required by an objective standard of reasonableness under prevailing norm;"

f) HN11; "...The Supreme Court of Wisconsin thinks this 'clearly stronger' standard is equally appropriate in evaluating the alleged deficiency in an attorney's performance as PCC... on account of his failure to raise certain material issues before the cir. ct.. The 'clearly stronger' standard is appropriate when PCC raised other issues before the Cir. Ct. thereby making it 'possible' to compare the arguments now proposed against the arguments previously made;"

Where the WI Supreme Ct. reaffirmed; the State v. Allen, 274 Wis. 2d 568, (2004) 5w's and how standards above in d) HN8; and was the language that the WI Ct. App. supplanted so to deny Thums:

> FH dkt 18-11 @ pg 4 of 6; "Because Thums does not [explain] what evidence would support his claim of prosecurotial misconduct and does not [explain] why that argument was 'clearly stronger' than the issues his P.C. C. chose to pursue, Thums has not established that his postconviction counsel was ineffective by failing to raise that argument / cont... (claim of ineffective assistance of postconviction counsel for failing to raise specific claim must allege sufficient material facts to show that claim was 'clearly stronger' than claims counsel did raise.)) Accordingly, Thums has not overcome the procedural bar to raising a claim of P.M."

a fair representation of law, and can the above satisfy the 'Plain Statement Rule the court must explicitly, expressly state their decision rests upon...

And whether by the A.G.'s false pleadings the WI

appears to have followed might be subject to reprimand?

27. Whether an inmate can have standing for a reasonable expectation of privacy in prison law library?

28. Whether all of the reviewing court's failures to acknowledge or accept Thums' pleadings that the trial Court judge Thomas E. Lister abused his discretion in excluding the highly probative-exculpatory 'police report,' written by Detective Nichols; including judge Conley and with emphasis on Conley's refusal to accept Thums presented any substantial material evidence to create a reasonable doubt whereby law no juror could find Thums guilty; were all these refusals to acknowledge that Thums even plead or presented this document creating great doubt as to whom solicited whom; Thums or his accuser / assaulter, batterer, / C.I. / government agent by acting at behest of government / states star witness / Thums' one and only accuser; where the report revealed a 'Freudean slip' by this thug accuser; in that; he first told Detective Nichols: "he told Thums, hey, how much money you got, I could take care of that for you." Or whether each and all of these refusals to acknowledge this credible material evidence of Thums' actual innocence pleadings; be further collusion to deny Thums, and approval of Lister's denying Thums the; ["Compulsory Process;" and Due Process, as well as a fair trial,"] for Lister's excluding it from even being used to impeach state's witness?

29. Whether it was in fact abuse of discretion by judge Lister sustaining the State's objection of hearsay, and excluding this most valuable piece of evidence for the defense; over defense counsels counter that it was an exception under business records?

30. Whether Sentencing Judge Thomas E. Lister, and Federal Habeas Judge William Conley's statements made by themselves; be considered as testimonials further evincing defense trial counsel Matthew Torgerson's Constitutional deficiency; where judge Lister stated; "Thums couldn't convince either he nor the jury..." concerning Thums knowledge of the 'Physical Impossibility of any criminal act being perpetrated in WI as the State alleged;" also material to element of intent, and to legal affirmative defense (complete) 'Knowledge of Physical Impossibility under common law of; State v. Damms, 9 Wis. 2d 183 N.W. 2d 592 (1960); where Torgerson possessed numerous documents to substantiate and corroborate Thums' testimony, while impeaching states star witness, and substantiate the KOPI complete legal defense; whereby the same pleadings before judge Conley; Conley stated: "The jury simply did not believe him."

31. Whether the Detective Nichols report would have been or should have been allowed to further create doubt as to if Thums ever had any intent; for report that C.I. told Detective; "Thums would get serious if..."

and; whether the Detective report creating serious doubt for at least two reasons; 1) whether it was in fact Thums' batterer / accuser that offered a murder for hire rather than Thums soliciting him, 2) whether if Thums had been left to his own devices would any alleged criminal act have occurred, and a real question as to if Thums was ever serious; would Thums' presenting Conley with this document; by itself establish 'Actual Innocence,' by creating such doubt that; 'more likely than not the outcome would be different if document had been fully presented to a new jury; without even considering other errors?

32. Whether Thums should have been afforded review at federal level considering;

> Ake v. Oklahoma, 470 U.S. 68, 105 S.Ct. 1087 (1985), Stewart v. Smith, 536 U.S. 856; "The Allen rule cannot be 'independent' of the federal question for purposes of the adequate st. law procedural bar ground doctrine;"

and does this mean that if Thums plead sufficient facts to warrant relief even apart from the IATC issue that if true; relief was warranted; that Thums should have been afforded a hearing in fed ct.?

33. Where the State v. Lo, 2003 WI 107, 264 Wis. 2d 1, 665 N.W. 2d 756; is little more than an extension of the State v. Escalona-Naranjo, 185 Wis. 2d 168; bar to raising claims that could have been raised in an initial pleading; and it was the Lo case the state chose to bar Thums; and all governing statutory, and

common law afford a petitioner the; 'Sufficient Reason,' when properly asserted; does it appear the state cts. not only treated Thums unfairly by refusing to accept or recognize Thums' pleadings' of such; but the WI Ct. App. is expressing it's disagreement and contentions with The Supreme Court governing case of; Martinez v. Ryan, 132 S.Ct. 1309, 182 L.Ed 272, (2012); where; State ex rel. Rothering v. McCaughtry, 205 Wis. 2d 675, 682, 556 N.W. 2d 136 (Ct. App.) follows Martinz, and the WI Ct. App. cites Rothering, stating; FH dkt 18-11 pg 3 of 6; "(";[I]n some circumstances ineffective postconviction counsel' may constitute 'sufficient reason as to why an issue which could have been raised on direct appeal was not.'") "We disagree." Does the WI Ct. App. apparent disagreeing with This U.S. Supreme Court violate the 'Supremecy Clause,' or otherwise evince the state's unwillingness to treat Thums with equity and fairness?

34. Whether the federal habeas and 7th Cir court's errored as above in Q 4 d) (1)-(6), or Fiske v.Kansas, 274 U.S. 380, 385; "State Court decisions not fairly supported by the record cannot be conclusive of federal rights." and if the court's should have reviewed the P.M. issue for 'plain error;' under; U.S. v. Christian, 673 F 3d 702, 708, (7th Cir. 2012)? and, or under; Townsend supra; "In habeas corpus proceedings initiated by state prisoner, fed. ct. must hold hearing; if appellant did not receive a full fair

hearing in the st. ct. either at time of trial [for failure to object, etc...] or in a collateral proceeding; where the trier has reliably found (or made determinations to) relevant facts?

35. Whether the State court rulings were so clear in their denying the issues Thums raised on federal habe; so the federal habeas court's could ignore;

> *Harris v Reed, 109 S.Ct. 1038, 489 U.S. 255, 109 S.Ct. 1038, (1989); Harris v Reed 463 U.S. 1032, 1042, 103 S.Ct. 3469, 3477 & N7, 77 LEd 2d 1201, and or; Michigan v. Long, 109 S.Ct. 1038, 489 U.S. 255; "extending the 'Plain Statement Rule' to fed. habeas cases; ...the st. ct. ruling must have clearly and expressly stated that; [[that judgment rested on a state procedural bar. and The mere fact that the federal claimant failed to abide by a st. procedural rule does not in and of itself pre-[illegible] the U.S. S. Ct. from reaching a federal claim; the st. ct. must actually have relied on a procedural bar as an independent basis for it's disposition of the case, and any ambiguities in that regard; must be resolved by application of the 'PSR."

and Whether this Supreme Court might find where Thums could not; that the Wi. Court's satisfied such?

36. Whether the Murray v. Carrier, 106 S.Ct. 2648, 106 S.Ct. 2639 (1986) No. 84-1554 rule that; "If a petitioner can show cause, the court need not consider - look for prejudice whether he can show prejudice need not be shown;" should have applied to any of Thums' procedural bar pleadings for cause with particularity to; the 'External Impediment Exception,' the 'Sufficient Reason,' the not appealing the criminal threat, and 'The Exhaustion Requirement could be excused by Thums' filing; 'Petition For Writ of Habeas

alerting the State Supreme court of Constitutionally defecient Appellate Counsel under; WI Stat. §782.03 and Fuentes, or if it might also apply to what might be a novel issue; where App. Atty. House stated he did not appeal the judge jury ex parte issue because of Lister's adamantly denying it in April 2012; (app. 10) whereby if this Court should find Lister's denials to be dishonest and contrary to the record?

37. Whether this court might find that; for the unreasonably high number of errors throughout Thums' case that;

> U.S. v. Russell, 411 U.S. 423, 93 S.Ct. 1637 (1973); "We may someday be presented with a situation in which the conduct of law enforcement agents is so outrageous, that due process principles would absolutely bar the government from invoking judicial process to obtain a conviction."

and order immediate vacating criminal convictions, with prejudice, and order immediate release from custody; for Thums' actual innocence, and all the lower court's veering beyond fair procedure to a degree that is shocking to the public and the sense of Universal Justice?

38. Whether Thums satisfied; Pyle v Kansas, 317 U.S. 213 (1942) pleading that; Fox for the state knew full well he was suborning perjured testimony material to element of Intent, and KOPI, by pleading that his own discovery documents proved the testimoney purjured; and other specifics of Fox's many improprieties and bad faith amounting to violation

of due process and inconsistant with the rudimentary demands of justice; and further for failure to correct his false mis-leading harmful statements etc..?

39. Whether all reviewing court's errored ignoring;

> Remmer v. U.S. 347 U.S. 227, 74 S.Ct. 450, 451, 98 LEd 654 (1954); HN4; a descretionary decision based on clearly erroneous finding of fact constitutes; abuse of trial court's discretion. HN5; Rebuttable presumption of prejudice arising from outside contact with juror does not apply unless the 'extrinsic contact' relates to factual evidence not developed at trial, extrinsic contacts that relate to the facts of the case are; 'presumptively prejudicial,' because, jury is final arbiter of factual disputes."

Whether this doctrine must apply to; the ex parte judge jury communication concerning actual jury bias for fear of Thums arising at voir dire, and the WI Court's decision that Thums' attorney failed to explain the prejudicial effect of the Henry Hobart Homocide information being presented for first time to jury during their deliberations?

40. Where the laws provide the 'Sufficient Reason' for cause to excuse a default; and Stat. §974.06(4) reads; "...unless the court finds a ground for relief asserted for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended motion;" whether this phraseology places an incumbancy upon the court to; 'actually look, or seek to find whether the pleading has adequately plead any issue as grounds for relief? With attention to the proper pleading requirement's that a 974.06 movand need only allege IAPCC as sufficient reason?

41. Whether a court instructing a jury in a criminal trial that; "They are not to search for Reasonable Doubt;" is Constitutionally sound; when it might for-close any finding of any reasonable doubt for deliberating and searching are synonomous; particularly in cases where the jury must fully deliberate consider, search only circumstantial evidence, and defense counsel has failed in pointing out where a reasonable doubt lies, and or any legal defense?

42. Whether a court foreclosing the jury any more questions; upon delivering an answer that really never either addressed the posed question, and mis-stated the law, and the court acted as his own imprimaturr telling the jury that that was the best he could do; after; telling the jury that the predicate fact Thums had conceded; according to the state's theory proved the ultimate fact; had the court relieved the state of it's burden, shifting the burden upon Thums to come forth with some evidence to refute that theory and the court's endorsement of it; at a point in time Thums had no opportunity to do so; so did the unbalced re-instruction weighing heavily towards the state; violate WI Stat. 903.03 Presumptions; or Sandstrom v. Montana, 442, U.S. 510; as Thums plead in pro se 974.06; [141]-[161] alerting the court's; Lister failed to deliver an instruction mandated in instances; 'whenever the presumed fact is presented

to the jury; the judge shall give an instruciton that; " the law declares that the jury 'may' regard the basic facts as sufficient evidence of the presumed fact, but does not require it to do so." 'Plain Error's?' Particularly in light of: the endorsement, the imprimmatur, and the foreclosure of an already confused jury?

43. Whether the court's failure to acknowledge or address Thums' allegations of fraudulant pleadings by AAG Sandra Tarver making a false claim that; State v. Anderson, 2006 WI 77 no longer applied to Thums' ex parte judge jury improper contact denying his right to be present because it had been overridden by; State v. Alexander, 2013 WI 70, 349 Wis. 2d 327, 833 N.W. 2d 126; where Thums further informed the court that; "nothing in Alexander affected Thums, and or that Thomas Balistreri AAG may have made a false pleading of an incorrect standard of; 'Reasonable Probability?' Whether these defects harmed Thums?

44. Whether the WI Ct. App. failing to address any of the (five) V. material questions that Thums had posed to that court on April 21, 2015 in his brief in chief, that was a detailed compendium of many of the explicit allegations made within his pro se 974.06; denied for presenting no new facts etc...; Thums also began this 'Brief/Compendium' with: ISSUES FOR REVIEW section containing the (5) V. material questions; but it appears that the court steered clear of addressing

any one of them; and as this record was before the federal court's and they didn't identify with it; does that mean that the WI Ct. merely passed on those five issues, or that they conceded to them, or that they are still open issues where Thums might find relief; here with this Supreme Court, as Thums is unaware of any other venue; Conley had Thums' brief/ compendium before him presented to him by the State in It's Response; FH 3:16-cv-00861-wmc Dkt 18-8 at pg 4 of 41?

45. Whether any of Thums' claims plead on habeas corpus that the WI Ct's denied Thums on 'Collateral Relief' actually litigated; that the state court's denied per State v. Witkowski, 163 Wis. 2d 885, 990, 473 N.W. 2d 512 (1991) under res judicata / issue preclusion, or as being already litigated-litigated in accord to:

> U.S. v. 43, 47,...Acres of Land, 896 F Sup 2d 151, 159 Comm. 2012; "the issues are not identical if; the legal standards governing their resolution are significantly different. HN8; For Collateral estopple to apply to an adjudicative determination; (1) the issues in both proceedings must be identical, (2) the issues in the prior proceeding must have been actually litigated and actually decided, (3) there must have been a full and fair opportunity for the litigating in the prior proceeding, and (4) the issue litigated must have been necessary to support a [valid and final judgment on the merits."]

and whether Thums' issues fall under such so to be barred?

46. Whether the Conley Court errored; also failing to acknowlede the 'Police report' as exculpatory evidence; and should afford Thums relief at minimum for viola-

ing Thums' due process of trial considering;

Cudjo v. Agers, 698 F 752, 766 of the 6th Cir 2012); "Federal Habeas is granted because of the exclusion of [[Trustworthy / Exculpatory Evidence]] which in turn amounts to a violation of due process;"

providing that this document, and all the other errors alleged; have not in this Court's eyes actually established Thums' Actual Innocence and does;

Finley v. Johnson, 243 F3d 215 No. 99-40925, (5th Cir. 2001);

affect how the 7th Cir. should have looked to Thums' pleadings and does their need to be uniformity as to just what constitutes Actual Innocence?

47. Further questioning Conley's denial of Thums' federal habeas corpus; Cf dkt 31 pgs 31, 32 of 39; the question is: whether Conley has again unfairly nonsensically given his view of Thums' pleadings of: 'Actual Innocence;' in a coherent reasonable matter, or has Conley perhaps once again presented Thums with some chimerical paradoxical conundrum either intentionally or by accident by conflagarating or misleading findings of fact and law and confusing one clear cut issue with another whole different separate issue so to apply / hold Thums to an unfair or improper pleading standard; where Conley attempts to list the evidence Thums does not have; biological etc... with one exception (or other powerful evidence) clearly avoiding all of Thums' substantiated facts alleged; appearing to merely place Thums back in the old trial

with none of the [['New Factors, or New Evidence]] that Thums had plead; literally hundreds of errors; Conley merely apprises just what; [[the jury in the original trial was faced with]] absent any new ideation. Does Conley ultimately fail to apply either; Schlup v. Delo, 99 S.Ct. 2781, or 115 S.Ct. 851, Murray v. Carrier, 106 S.Ct. 2639, 2648; Pyle v. Kansas, 317 U.S. 213 (1942); to the actual innocence, and prosecutorial misconduct issues, or the State v Damms, 9 Wis 2d 183, 100 N.W. 2d 592 (1960), the Sorrells and the Sherman Doctrine, as well as ;each of the numerous other cases Thums plead supporting the facts of error, or the allegations made towards those many errors; so to confuse Thums and the higher court's ? Where at this page 32 where Conley stated:

> "Nothing that Thums points out in this record comes close to showing that a reasonable jury could NOT believe the latter version of events. Accordingly, the Miscarriage of justice exception does not afford a gateway to federal review of ANY of petitioner's defaulted claims."

Whether it takes this Superior Court's legal expertise to see that it appears that Conley speaks to Thums's actual innocence claim; but never mentions it; and can this court find that Conley appears to have cited the 'Sufficiency of Evidence' pleading standard in denying Thums' [Actual innocence] pleading standard as lain out in cases above; has Conley here to also committed 'Plain Error,' or 'abuse of discretion further violating Thums' civil rights?

48. whether if This Honorable United States Supreme Court; will afford Thums a full fair review, that is long overdue, and yet denied; in accord with:

> Napue v. Illinois, 79 S.Ct. and or, Mooney v. Holohan, 360 U.S. 264 June 15, 1959; HN1; "Certiorari granted for lower court to consider; HN2; Conviction obtained through use of false testimony, known to be such by representations of the State, is a denial of due process, and there is also a denial of due process when the state though...allows it to go uncorrected... and ***[[HN7 "In cases in which there is a claim of denial of rights under the Federal Constitution; the U.S.S.Ct. is not bound by factual conclusions of lower court's, but will re-examine the evidentiary basis on which those conclusions are founded."

Might this law still be good law, and might this Court find that Thums' allegations and pleadings all to be on the up and up and in good faith?

49. Whether a new finding by the WI Supreme Court might afford Thums some relief; where The Court's decision was written in June of 2020, and Thums first discovered this: State ex. rel. Warren v. Meisner, 392 Wis. 2d 1, June 11, 2020; during the pendency of Thums attempting to put together a 'Petition For Certiorari' to this Supreme Court that actually meets the guidelines whereby it may be actually filed with the Court; it was July 13, 2021 to [be precise] that Thums discovered Warren. Whether this Court might apply the findings of Warren actually correcting what was long standing incorrect presentation by a state case back in 1972; Peterson v. State, 54 Wis. 2d 370, 191, N.W. 2d 713; Whereby State v. Starks, 349 Wis. 2d 274, 833 N.W.

2d 146, 2013 WI 69 (S.Ct. WI July 12, 2013) case followed and affirmed the Peterson mis-interpretation of WI Legislative §974.06 directing an inmate / defendant appealing a criminal state conviction to: or that; he first must exhaust his direct appeal before he may file a 974.06; but Chief Justice Shirly Abrahamson, and Justice Rebbeca Bradly wrote dissent of wich was directly related to Thums' pro se pleadings filed in August 2014 which was denied by procedural bars Thums only incurred by following Peterson, and Starks; wich were finally corrected in Warren in 2020 en banc with Attorney General concedeing and agreeing with amicus brief by Robert Henak of Milwaukee; whom Thums had contacted concerning Thums' case but Henak declined; Might this Supreme Court here and now grant Thums relief from those very bars imposed as a result of following [['incorrect law']] that has mislead Thums and many other's in WI for 50 years to believe that they must exhaust direct appeal before attempting to overturn their unconstitutional criminal convictions by filing a WI STAT. §974.06; where if defendant had done so initially; the state could not impose, nor could defendant be held to the heightened pleading standards of proper law the state may impose to a defendant on collateral relief attempting to plead 'Sufficient Reason,' and given all the lower court's denials of facts?

50. Whether this Court might find that trial judge Thomas E. Lister's statements in his [illigitimate hearing of House's illigitimate 974.06] to be as false as Perlich's claims that Thums plead no new facts, mostly conclusory etc. where Lister made false misleading statements of fact as if he performed such (app. 10) and must the reliance the higher reviewing court's gave deference to Lister upon these misstatements of fact misdirecting so; preemptively foreclose proper fair relief now affect those higher Court's decisions as well; should this Court find by reviewing the facts that the following was false;

a) "it was at defense counsels suggestion that the wording given to the jury was incorporated in the court's reinstruciton;"

b) "Therefore, to define the instruction and clearify it for the jury, it was necessary to assure that they did not treat mere planning as an overt act."

c) Whether Lister's next claim to have narrowed [the question for the jury] is true only in the sense or the respect that; [he foreclosed a not guilty verdict by steering clear of counsels suggested answer; "No it is not;" that had been agreed to; delivering an effective; "yes it is:"

d) Did Lister invade the jury's fact finding function telling them that the states theory was "the best?" FH dkt 18-20 pg 40

e) whether the actual language of record belies; what Lister purports to have delivered, or shift the burden?

f)Whether Lister's seemingly patting Thums' defense counsel on the back; crediting Torgerson for; "Crafting the response strategically, and wisely:" is simply more deceipt attempting to convince reader that; he actually delivered that which counsel suggested and was agreed to by tribunal?

g) whether Lister's supporting Torgerson asking; agreeing with the state to have extraneous letter go to deliberating jury violated; Macrum v. Luebbers, 509 F3d 502 8th cir. 2007; stated; "it's not court's commission to invent strategic reasons... covering up for counsel..."

51. Whether there can be any doubt that where the Court itself cautioned; was aware of probable harmful prejudice to defendant Thums; because of the implications in the informational letter; the jury could quite easily interpret as; Thums himself either being envolved in this old unsolved Henry Hobart Homocide, or actually committing the 'murder' himself; absent any prior knowledge; due to state's violating rule of completeness, and counsels failure to present during evidence portion of trial that it was Thums that had reported it to authorities, [and yet attempts to have the truth be known;] at this point was the Lister prejudicial error required to have prejudice presumed, whereby the state has the burden to prove to the degree of beyond a reasonable doubt that the HHH letter didn't prejudice Thums and contribute to guilty verdict? and whether House's pleadings on direct appeal to this isssue were sufficient?

52. Whether Lister's insincere claim on review that the letter couldn't have prejudiced Thums because Thums would only have been a small boy at that time; satisfy the harmless error standard; by rebuttal considering Lister was well aware that, the state presented Thums to be a full 4 years. older than he actually was at trial?

53. Whether WI application of; 'prior litigation' is same thing as; "Collateral Estopple" whereby use of Witk___ by state and federal court's to deny Thums relief should not be allowed because of Thums being disadvanteged by defecient counsel on direct review, and, or the fact that the merits Thums plead later; had at no time been resolved?

54. Whether it appears that the WI iron curtain and the federal court's misapplication of procedural bars, and improperly shifting burden or proof of prejudice is equitable, or in a manner of speaking; require a petitioner to exhaust the issue of exhaustion itself; contrary to; Harris v Champion, 15 F3d 1538, (10th cir)?

55. Whether the federal court's dismissal of Thums for procedural defaults; was merely a perfunctory recitation of state's unreasonable determinations of fact; absent any fair review; violating; Davis v. Wechsler, 44 S.Ct. 13 (1923), and Marbury v. Madison, 1 Cranch 137 (U.S.S Ct Feb. 1803)?

56. Whether the two single issues Thums plead among many in his pro se 974.06; of Lister excluding the Nichols exculpatory report, and omission of portion of Pattern Jury Instruction 570 related to evidence of withdrawl from an alleged conspiracy violated the 14the amendment of defendant Thums' right to present available defenses violating; Chambers v Mississippi, 410 U.S. 284, 294 (1973)?

57. Whether the state or federal court's denials based on assertions that; "Thums presented 'mostly' conclusory allegations by Judge Perlich, and, or, Thums' allegations were 'too conclusory' by WI Ct. appeals; can stand; if the governing law of Romero; at least in this instance; expressly deems the Allen 5w, and How, and a petitioner may not present: ['merely conclusory allegations'] and petitioner had given the court's sufficient material facts to both compare issues and establish relief was warranted? And if; Triplett v.. Smith No. 17-C660 2018 WL 3130654, (2018) may be determinate as to this issue? And, or, whether the; Bealin v. Foster E.D. WI. Feb. 2022; WL 444532 recitation of; Walker v Pollard, 2019, WL-136 694; "reasoned that; a WI Ct. can reject a federal claim only if; the postconviction motion is: [[entirely in conclusory fashion?]]

58. Where; Williams, 529 U.S. 411, 532 U.S. 951 (2001) Williams v Taylor8, 529 U.S. 362, 120 S.Ct. 1495, 146 LEd 2d 389, 120 S.Ct. 1495 (April 2000) demands that; "before a court may issue a writ of habeas corpus; the court 'must' determine that the state court decision was both; incorrect, and unreasonable;" must this law also be interpreted to mean that; [Before a federal court may deny a federal habeas corpus; where allegations have been plead that the state court's factual determinations were unreasonable; that court

by the same token; must make an analytical determination as to whether the st. court findings relied upon were a rational reasoned well founded correct finding of fact that no reasonable juror could disagree with?

59. Whether any improper, unreasonable, false findings presented as a final order by either a state or federal court might be considered violation of civil right's, and or external impediment, or impedence to a prisoner's right to petition for habeas corpus?

60. Whether the court's refusals to even acknowledge Thums' well plead substantiated material facts; is effectively [s]ilencing of Thums, and is a violation of 'Freedom of Speech;' by first Amendment whereby if government provides a venue to express one's belief's; then no-one has a right to interfere, or hinder one's ability and right to express such and be heard; has Thums been violated in such a manner here? And, or, might the reviewing court's in this case at hand; decisions mostly be found to be, so erroneous and contrary to U.S. Suprem Court Precedent's and in violation of other federal law that there 'is no possibility fairminded jurists could agree with such fantastical findings as in; Neveda v. Jackson, 133 S.Ct. 1990, 1992 (2013)?

61. Whether any of Thums' pleadings or answers to Thums posited questions show; 'Extreme Malfunctions' in WI Criminal Justice System as; Jackson v. Virginia, 43 U.S. 307, 332 n5 (1979) establishing an extraordinary

case, or Miscarriage of Justice prohibiting any AEDPA constrictions, or giving this Court jurisdiction?

62. Whether the federal court's errored failing to make any determination as to if petitioner Thums is in custody in violation of constitution whereby the court is to make a determination as to the lawfulness of the conviction and prisoners custody simpliciter; Fay v. Noia 372 U.S. 391, 430, 83 S.Ct. 822 (1963), and, or has the federal court's in this case abdicated their duty where there is no higher duty than to fairly and justly adjudge the great writ?

63. Whether the WI DOC an arm of government had violated Thums rights by forcing Thums to meet with his accuser - assaulter / batterer, after the battery inflicted upon Thums for non-compliance with C.I. / accuser; by having accuser sent in Thums' tracks and having a door locked directly in Thums' path; so to re-initate contact and continue their ongoing creation of criminal activity, or criminal scheme; violate; Massiah v. U.S., 377 U.S. 201, 84 S.Ct. 1199 (1964), and, or by intentionally placing Thums in this in-escapable position forcing him to meet with his former cellmate batterer; knowingly and intentionally perhaps even recklessly placing Thums in this situation; believing it was likely to produce incriminating statements violate; U.S. v. Henry, 477 U.S. 264, or any civil or constitutional rights?

64. Whether Thums' pleadings that Judge Thomas E. Lister; rather than presenting any final appealable order adjudicating either the ex parte judge jury issue, or the self recusal motion on May 30, 2014; actually committing a criminal threat to harm Thums; was a civil right's violation by actually harming Thums, and, or, whether it must be considered an external impediment, if it alone cannot gain Thums relief; ought it at least excuse the state procedural default?

65. Considering the late; Shinn v. Ramirez May 23, 2022, WL1611786 HN4; "In all but extraordinary cases; the AEDPA will bar evidentiary hearings in federal habeas petitions initiated by state prisoners." Must this barring of state petitioner's of hearing be enforced still; even if the issues have been properly determined to not fall within the AEDPA restrictions? And, or with consideration to Thums' issues; for instance of his pro se; Petition For Writ of Habeas Corpus under WI St. §782.03 pleading IAAC;...?

66. Should this Court find that Thums has in fact established that direct review counsel House ignored, or overlooked on direct review, or on direct appeal; colorable claims where if he had properly fully plead such; that he might have gained Thums relief; and, or if Thums substantiated IATC, and, or any other Constitutional issue warranting relief; by diligently pursuing those claims at first light or at first

available turn; satisfying the diligence requirement, save the late filing in WI S. Ct. to which Thums may have also presented a colorable claim of 'External Impediment' as cause for exception to that time bar; (viz) might This Court contrary to the lower Federal Court's finding's have found that Thums satisfied; Schinn v. Ramirez above Q 65; Townsend v. Sain, 83 S.Ct. 745, Brown v. Allen, 344 U.S. 443, 486-07, 73 S.Ct. 397, (1953) if applicable and; 28 USC (e)(2) as Schinn, demands or points out governing law; if; and, or if; the Schinn Court is actually speaking to: 28 USC 2254(3)(e)(2)(A)(ii), and, or 28 USC 2254 (3)(;) ~~(e)(2)(A)(ii)~~; or as to if Thums has properly interpreted and satisfied them all? Including IAC?

67. Whether the 'Clearly Stronger Standard' that WI Court of Appeals purport's to be law, or if even the Federal Law is fair; that appears to place an inmate self representing attempting to challenge ineffective assistance of counsel in WI on counsel's deficient representation on initial review; in a worse postition than a litigant represented by counsel whom merely files a 'no merit report;' and, or, for court's apparent ignoring pleadings that Thums indeed had not only expressed preferences of much stronger issues to counsel than he raised; but in this case Thums actually attempted to file a supplemental brief alongside House's brief; where the

Wi Ct. App. 'passed' on Thums motion; and forced Thums at that point to choose between defective counsel, and, or, 'no counsel;' where an inmate appears to get an open slate to challenge the no merit report directly to WI Ct. App, as well as a later challenge to the circuit court via other postconviction vehicles; i.e., WI Stat. §974.06; also considering; Smith v. Robbins§ 528 U.S. 259, 288, 120 S.Ct. 746, LEd 2d 756 (2000)has ruled that; ":an arguable issue in the normal sense, being non-frivolous; [warrants a merits brief]" in relevant part; is it fair to hold defendant petitioner to task and strickter pleading standards because he was presented with an incompetent state public defender who simply ignored what no court has deemed in this case to be; ['Frivolous?'] by Thums.

68. Whether judge Lister's animate proclamation at the May 30, 2014 remand hearing; personally addressing Thums self representing; reiterating; that; "He could not address any issue apart from the remand issue of the fine, even if he wanted to..." id., where he in a criminal way addressed only the judge jury ex parte earlier; meant and, or if Lister was correct; did he even have jurisdiction to address the ex parte issue as he said he did not;? Could no appeal bar Thums?

69. Whether Lister actually formed an illegal agreement with another to deprive Thums of his rightful monies, of did Lister have actual competency and jurisdiction

to make such an agreement with trustees and attorney to the Thums Estate trust? And, if Lister was to by competency make such an agreement, by an actual court order; where there was none; and or whether Lister had authority to order Trustees to send the $45,000 to his court directly from trust; when the JOC in place ordered the monies be deducted from DOC inmates incoming monies; did this amount to double jeopardy as well; and where Lister apparently stipulated to; or had conceded that he had in fact formed such an agreement with attorney William R. Slate; by Lister's own declaration at that hearing that; "Mr. Slate would be notified to release those monies..." Whether this statement imposed a ministerial duty upon Lister to actually issue the order to release Thums' monies?

70. Whether Lister's failure to issue the order to release Thums' monies to him might be an overt act by failure to act; and Lister's and other lower court judges unreasonable adjudications; being constituting law; might be considered; 14 Amend. violations by a state making and enforcing laws that abridge the privileges and immunities of Thums; by depriving Thums of life, liberty, property, and pursuit of happiness, and the regular pleasures of free men?

71. Whether WI Chief Justice Bradley; passing comment in St. v. Warren v. Meisner ante @ Q 49 that some of reviewing court's errors might be attributed to the

various court's apparent independent choice, or use of nomenclature; wich was as far as that subject was breached; might actually be true fact, necessary for fairness and uniformity in that area for expedience overall cost, even finality that This Court might itself write clear cut terminology representing the various titles and positions taken by counsel on direct review, initial review, direct appeal, appeal, and or collateral attack; with distinction as to wich are identical, so that these types of extended errors delaying justice and finality come to an end; where in fact there appear to be many?

72. Whether This Court declines addressing this issue of improper choices of 'nomanclature,' might it remand it to WI Supreme Court for Chief Bradley and Co. to address and clearify and finalize at least in name of expediencey and finality if not fairness?

73. Whether this Court might consider that the issue is not as Chief Justice Rebbeca Bradley suggest's to be choice of nomenclature; rather it is merely a case of abuse of offices to stifle petitioners by use of 'symantics,' whereby they not only stifle pro se inmate litigants, but seem to let themselves off the hook simultaneously; which would seem to mandate that some court address this issue?

74. Whether Supreme law must be written to address non conformity of various circuit court's in the federal

system to address; what appears to be by errors in instant case; too many variations as to if various circuits differ in how they treat a pro se petitioners pleadings that the state court's reached unreasonable determination[s] of the facts plead, and when the Federal Habeas court needs to actually compare the state court findings to the material of record the state made those determinations based upon and the apparent differential between circuit's concerning the review of issues as to if they should have been reviewew under the 'harmless error analysis and if so; whether the lower court's properly interpreted and applied the proper standards of review or twisted it legislating from the bench; as what this Court might find of WI Ct. App. in numerous instances? Did the WI cts. abuse discretion in this?

75. e.g., The WI Ct. App. decisions in Thums denying Thums as to whether their purported applications of procedural bars are adequate, an amalgamation of mixed comments in passing, or meet the plain statement rule?

76. Whether this Court might hold the WI Ct.s and the 7th Cir. to the; "plain statement," or "express statement," or even the "magic word standard" as the 7th Circuit Court of Appeals used in denying Thums relief because the sentencing judge did not explicitly state the word 'gun' where Thums appealed sentence for the false gun allegations unknown of at sentencing in PSI?
[7th Cir. 2012 #15-1414]

77. Whether the federal court's abused discretion by misapplication of federal law under; U.S. v. Triplett, 996 F ed 829, citing; Stewart v. Smith, 536 U. S. 856 122 S.Ct. 2578, 153 LEd 2d 762; saying; "A state ground is 'independent' of 'Federal Law, if it does 'not' depend on the merits of petitioner's claims;" by the federal court's failing to make the determination as to if the state procedural bars / defaults were actually independent of federal law; and, or, must the rule also be allowed to read; or mean by plain meaning; that; "A state ground is 'not' independent of federal law if it 'does' depend on the merits of petitioner's claim?" And or whether any, some or all of Thums' claims upon a fair review; must be found to have merit; and to say that some claims are 'substantial;' whether that also savs that; 'they have some merit?' Contra: Q's 4-23,34-40

78. Whether each of the reviewing court's have mis-read, mis-interpreted, or mis-represented the language of State v. Lo 264 Wis 2d 1; where if State v. Allen, is persuasive of Lo, saying; "A prisoner must provide specific 'nonclusory factual allegations; [explaining why] his postconviction counsel was ineffective?" Have the court's here also employed symantics considering; whether Thums' allegations specific to constitutional errors alleged; ['S]peak for themselves? And, or, must a pro se petitioner actually state the

(11) 001 - 084

magic words: who, what, where, when, why, and how, as it seems this is the standard they have held Thums to; or: [Is it sufficient to merely plead the facts; of the 5W's and how; so that the reviewing court; if they look at those facts can make such reasonable determinations by those very facts, and proceed to analyze if petitioner has made any meritorious pleading of any constitutional violations; including and, or, apart from the IATC, or IAPCC in pro se petitioners collateral attack?]

79. Whether Karr v. Seiver 29 F 4th 873, (7th Cir 2022); recent ruling might be persuasive in this instance; providing this Court finds that; Thums actually did plead sufficient 5w's, and how, properly alleged that he was pleading the new issues under IAPCC, that Thums plead more than; [merely conclusory allegations,] alleged sufficient facts that if true would warrant relief, and or had met 'External Impediment' exception, or had satisfiec the exhaustion requirement, gave st. cts. fair notice satisfying; the (4) part test of; Thomas v. Williams, 822 F3d 378, (7th cir 2016) of: 28 USCA §2254(b)(1)(A); by Karr supra; "An IAC @ initial review collateral proceeding, may excuse a Federal Habeas Petitioners procedural default of a claim of IATC; if state procedural law required petitioner's claims to be raised in initial review, collateral proceeding but failed to do so...?'

80. Whether the 7th circuit court of appeals denied Thums' COA absent Jurisdiction; sidstepping; Buck v. Davis, 197 LEd 2d 1 (2017) No.15-8049? HN5

COVER PAGE

SECTION I. QUESTIONS 1-80 I - XXXXVI

TABLE OF CONTENTS TC 1 - 12

SECTION II. LIST OF PARTIES @ A.

SECTION III. RELATED PROCEEDINGS Page 1., 2.

SECTION IV. JURISDICTION STATEMENT Page 3., 4.

STATEMENT OF THE CASE SECTION V. Page 5., 6.

SECTION VI. True Facts reasoning why Thums must be afforded relief. Page 7.-39.

SECTION VII. CLOSING Page 40.

DESCRIPTION OF DOCUMENT'S IN SEPARATE APPENDIX

(app. 1) March 22, 2021; 7th Cur. Denial of COA

(app. 2) Oct. 20, 2020 Fed. Dist. judge William M Conley denial pro se Petition For Federal Habeas Corpus 28 USC 2254

(app. 3) May 27, 2021; 7th Cir. Judge's Michael Scudder, Amy St. Eve; denial of pro se Motionof en banc 'rehearing;'

(app. 4) May 17, 2021 7th Cir denial of Motion to Amend petition for rehearing;

(app. 5) April 23, 2021; 7th Cir. denial of pro se motion for Stay in proceedings to return to State Ct. for Certification of material conflicting state law;

(app. 6) April 8, 2021; 7th Cir. denial of 1st motion for stay to certify questions of state law determinate of issues @ 7th cir.;

(app. 7) February 29, 2016; WI Supreme Court order correctly denying Thums' pro se Petition For Review; of; WI Ct. App. denials; where Thums was late in filing only because of: External to defense impediment making it impractical for Thums to meet procedural rules of st. because it was Thums' opponent in litigation that deprived Thums of requisite legal materials; as plead in fed. habe.

(app. 8) December 9, 2015; WI Ct. App.'s Summary Dismissal, of Thums' pro se pleadings challenging Jackson county WI Circuit Ct. denial of Thums' pro se WI Stat. §974.06 PCM 'Collateral Attack' for Thums pleading numerous Constitutional Violations including IATC, IAPCC, IAAC...

(app. 9) September 15, 2014; Judge John J. Perlich's non-sensical, non-sequitur, unreasoned and freakish denial of Thums' pro se 591 page 974.06 PCM; pleading over 40 separate issues; many of by each error alone would require reversals of convictions;

(app. 10) [un-dated] Jackson County trial judge Thomas E. Lister's [supposed adjudication; absent competence and jurisdiction to hear the 974.06 filed by atty Stephen J House before the time had ran to file a 974.02 as required by legislative §974.06(1) expressly demands such may not be filed before it's time. As issues raised could not have been ripe; yet this filing by House was a direct result of Thums pro se being barred on review;

EXPLAINATION OF SOME OF THE MANY DOCUMENTS OF RECORD THUMS PRESENTED IN APPENDICES SHOWING HIS ALLEGATIONS TO BE UNEQUIVOCALLY TRUE IN SUBSTANCE

(app. 11) Detective Timothy Nichols report of inter view of alleged victim; Karen Thums-Zwicky substantiating the Gun allegations Thums 1st learned of through reading discovery of instant case; were not true; Thums was not afforded a reading of the 2nd PSI re-ordered under appearance of bias; wherein these horrific false gun allegations arose;

(app. 12) -14 Thums' actual April 1, 2021; Motion for a Stay to have Questions of Conflicting St. law determinate to case concerning Thums' actually having exhausted his claims; so to defeat the failure to exhaust bar;

(app. 15) -17 Copies of WI Legislative Statutory Law out of 2011-2012, Statute Books and Annotations that is currently yet printed in 2020 ed. supporting Thums' argument's that there is conflicting state law; where Thums followed the later ruling by WI Supreme Court over an earlier ruling by WI Ct. App., resulting in dismissal ex parte; and failure to exhaust

(app. 18) Highly exculpatory police report that state suppressed; where Thums' accuser made a 'Freudean Slip' by actually 1st admitting it was he whom solicited Thums, and that in fact; Thums had never any 'serious intent' or any criminal intent; evincing absent government action there would / could have been no criminal activity; judge suppressed upon states objection at trial.

(app. 19) Preliminary hearing testimony by Det. Nichols; evincing the 'Freudean slip' had been recorded on audio, for use by defense counsel

(app. 20) WI Supreme Court requirements of 10 copies to be filed with Petition's For review; against Conley's finding denying Thums' need of copies est. 'External Impediment Exception' Conley denied Thums

(app. 21) Proof that Warden law library policy of providing copies in 10 days is unreasonable, and that after nine days presenting no copies at all unreasonable; and that DOC Secretary had not sanctioned the CCI policy causing Thums' delay and missing court deadline; ultimate procedural bar denying federal relief

(app. 22) Proof that House knew he had filed an illigitimate 974.06; unripe for hearing, and or adjudication per: WI Stat. §974.06(1); and that the adjudication of this 974.06 and all thereafter relying upon must be null and void

(app. 23 - 40) Thums' letter to appellatte counsel informing House of the ex partejudge jury improper contact, the P.M. issues, and many others Thums expressed preference towards having House raise on direct review, but House ignored; as all reviewing court's failed to afford Thums due deference towards any 'clearly stronger pleading standard,' as 'Sufficient reason'for not raising all issues on direct extablishing 'cause and prejudice.'

(app. 41 - 46) Thums' trial transcript portion concernin judge Lister's failure to deliver a legally correct, clearifying answer to jury's question; where tribunal agreed answer: ["No, it is not."] was legally correct; but Lister delivered an effective

an effective: ["yes it is"] answer as a presumption violation; 'steering / directing jury towards states position, imprimiturrizing his own ans. inst. by telling jury that; "that was the best..." and immediately forclosing jury; forbidding any further questions; last word prejudicial sealing the deal; Thums fate

(app. 48 -55) Transcript of Thums criminal trial evincing trial judge even admitting meeting with jury during their deliberations ex parte on subject matter of entire jury panel bias against Thums; belying Lister's undated denial (app. 10), and Conley's injudicious ruling based purely upon supposition denying Thums had any proof of a judge jury ex parte...as juror told bailiff that he had all day... Fox's comment about his concern; shared by Lister indicated Lister had no information telling him jury did have a verdict even before his: by the record: [[1:18 pm]] 2nd ex parte improper jury communication denying Thums Constitutional right's presence;...

(app. 56 -58) WI Ct. APP. June 21, 2013; decision to pass upon review of Thums' Constitutional claims; forcing Thums to shoose between [n]o counsel, or incompetant counsel; although Thums had no right to be heard in this instance: [[It was the Court's choice to pass upon hearing Thums' pro se Supp.

(app. 59 -64) Thums' pro se supplemental brief raising much more powerful issues than those House had; where if the court had afforded Thums a fair review would have had to afford relief back in 2013

(app 65 -67) May 30, 2014 remanded evidentiary hearing having jurisdiction to only hear and rule upon evidence to the 'Sole' issue on remand; pg 2. @ pg 3. Lister's false denial and criminal threat to harm Thums' property if Thums ever told truth of ex parte judge jury comm. again; in pretense attempts to have Thums get faining counsel to get evidence supporting Lister, at a time all the proof necessary had been had in Jury Note #5, and Court transcript; pg. 23-24 (app 68A-B) judge Listerimpunes facts; but animately admitts no jurisdiction to hear issues that the State and

the state court of appeals barred Thums for Thums' failure to appeal Lister's criminal threat; ordering that Lister had issued a final order addressing the ex parte issue, [morning ex parte not raised prior to but] Lister's supposed final order adjudication of ex parte was silent apart from re-instating fine;

(app. 68A 71) Transcript from 'Remand Hearing...' in that Thums alerted Lister that Lister had improperly withheld Thums' monies needed for an effective appeal; where Lister had improperly entered into an agreement with Thums family Trust Attorney William R. Slate & in stipulation to this improper contract; Lister attempted to disuade Thums apparently falsely promising to advise his co-hort to release Thums' due rightful monies / property

(app. 72 -73) Lister's Jult 17, 2014 ex parte sentencing ex post facto nunc pro tunc reimposing illegal fine; completely silent as to the 2 issues the State said Thums forfeited for failure to appeal, and Conley stood upon ruling Thums didn't plead any law that he should not have appealed these 2 issues when the State shared no legal precident allowing a litigant to appeal any issue not appearing in any final order; Conley improperly placed ónus

(app. 74) Lister's improper order to Thums' family imposing double jeopardy by refusing to amend JOC ordering DOC take Thums' incoming monies towards fine; and where it appears Lister may not have had any jurisdiction to write this July 24, 2014 order either, nor reimpose fine as Thums did not have money available at time of original sentencing but only after father had died.

(app. 75A -78) Motions Thums filed pro se that the ct. ignored; to vacate order forbidding the benine Contact Thums paid atty James C. Ritland $1,000.00 to survey jury before discovering Jury Note #5, two motions to amend transcript to reflect material fact; and the Motion to amend JOC all ignored

(app. 79) The infamous HHH or Henry Hobart Homicide and other bad act extraneous-extrinsic

not of record in open court prejudicial information; the State suggested defense wanted the jury to see to which Torgerson then responded affirmatively absent informing Thums of this baneful act, after judge warned of likely prejudice to Thums where if the State had not falsely mispresented Thums to be 57 yr. old man at trial or to the media; where jury would mis-calculate Thums to have been 12 yrs old at time of HHH rather than the 8 yr. old boy; much less likely to be prejudicial or acting in the HHH than a 12 yr. old; as Lister later dishonestly downplayed Thums as a small boy on appeal, when Lister had in fact understood that the jury believed Thums at 12; for the states introduction and the media article Lister admittedly had read.

(app. 80) Jury Note #5; the final piece of the puzzle Conley substituted with chimerical speculation; note #5 evinced the 'MORNING' ex parte; and fact that this jury fear/bias arose upon inception of trial; and the erased portions appear as an attempt to conceal this ex parte business as the original copy at Clerks office is such

(app. 81-82) Letter Thums wrote to Governor concerning the HHH because of so many other tragic events and shocking crimes and deaths in this very small community; many. Letter from Warden informing Thums Governor had ordered investigation of HHH.

(app. 83) DAI investigative report confirming that [[some]] material was sent to Cpt. Verwiel Winnebago Sherriff's Dept.

(app. 84-85) 84 from discovery evincing that the DOC botched the HHH investigation by sending this oversimplified innaccurate drawing not made by Thums but some DOC official; that ultimately halted the investigation because of the incorrectness in this drawing; 85 however is a correct detailed drawing Thums made for the DOC. further establishing Thums' facts and memory true

(app. 86) February 10, 2012; IATC [Machner Hearing] in Jackson County further evincing Thums concern about the false presentation by the State at trial as Thums being 4 yrs. older than he actually was; trying to explain he complained of this at trial to atty

(app. 87) The actual news media article portraying Thums as a 57 yr. old; which Lister admitted during voir dire that he had infact read the article; explaining his initially cautioning against having all information go to deliberating jury

(app 88) Denise Zamrow' Clerks hand written minutes during trial; where further evinces clearity of Lister's caution against sending letter to jury; yet Lister did so any way when all parties present knew Thums could not defend; letter to Governor etc. was in discovery for defense attorney so to fully explain during the evidence portion of trial it was Thums that had reported the HHH, not committed

(app 89) Sentencing Judge Lister's comment evincing importance of defense counsel's failure to use discovery documents to impeach states witness's suborned by State purjured prejudicial testimony contrary to corroborated fact that Thums' accuser didn't know about having to go to Co. whereby State built an improper false theory presented to jury that Thums believed the crimes would be committed while Thums was still in prison having perfect alibi;

(app 90) Hand written letter to Thums from defense counsel pre-trial; imparting a false sense of security whithin Thums; where Torgerson never informed, or plead a single legal defense where several were capabable of substantiating Thums' innocence; and apparently Lister knew it for his 'Sentencing Comment'

(app 91) Jury question / note #3; evincing the harmful effect of Fox's improper opening statement that; "the jury might see some letters Thums wrote only after first being charged with these crimes in desparate attempts to call them off;" to which seconds later Torgerson stipulate it; & surely if there were such letters; Thums was per se guilty as charged; jury never saw Fox's futile attempt at correcting hia false fact statment; now only adding "Letter doesn't say no go..." jury never heard this truth.

(app 92 -97) Documents from states discovery counsel had in possession but failed to use to prove accuser lied claiming there was no detainer, he didn't know about Colorado; 93 shows accuser owed Co. $6,904.87; motive; to extort money from Thums; 94 he owed at least 2 yrs if fine paid; 95 boldly displays Trepanier; Thums' accuser had inquired about his time in CO, before this Feb. 11, 09 response to him, 96 dated March 12, 2009 indicated further that a detainer was placed upon Trep, while he and Thums were yet celled up before assaulting Thums refusing to give $$$

(app 98) Thums' final pre-trial notes to atty Torgerson placing import on CO. documents, and principle of (KOPI) Thums' Knowledge of Physical Impossibility; for accuser was not getting out in WI to commit any criminal act; fed. Marshalls were coming;

(app 99) Copy of DOC offender 'Detainer Ack...' by Thums' own later detainer per these alleged or charged crimes; substantiating fact that per inter-state compact agreement; there had to also have been one signed by Trep, but not in discovery; perhaps so to allow the State's alibi theory and suborned purjured testimony to take hold as it did as evinced by sentencing judge's comment

(app 100 -101) 100; barely legable for Thums / inmates housed in segregation have only pen insert towritewith; but clearly explains an assault and obvious injuries; evincing Fox's telling jury that Trep, and Thums had a deal to keep mouths shut after the fight; between them for fear of an automatic year in hole; as Trep kept his word he did Thums a solid, giving Thums reason to trut and freely enter into contract killing; the testimony that neither of Trep, nor Thums told of this fight; only true that Thums explained it to be an assault. 101; DAI DOC report evincing that prison 'Security' knew full well Trep had assaulted Thums but Trep lied; as if Thums had no hard feelings.

(app 102) A Health Services Unit Nurse report; witnessing 'Security taking photos of Thums' obvious injuries four days after assault where nurse observed from distance outside a tight woven cage; evincing prison guards obvious order to stand down

(app 103) Dr. Collette Cullen; report day of placing Thums in Seg. under (TLU) Temporary Lock-Up; pending investigation; where clearly staff understodd Thums was assaulted. & against threats of further abuse did tell.

(app 104 -105) DAI DOC info given to Police in Discovery evincing Trep had lied, but later confessed;; sort of; where at time there was no statute of limitations as to Security issuing an inmate a Conduct Report CR, or Ticket; per WI DOC 303 Discipline Code Sect. DOC 303.66 Sub.(3) ¶2; changed only after 2012; so why not write Trep a CR for lying to Security as same punishment being one year in segregation subject to. 105; Detective Report evincing Detective had knowledge that the prison Security would be forcing Thums to meet with Trep. his accuser / Batterer / C.I. by having accuser ready and waiting to be sent in Thums' tracks after Thums wrote a statement against assaulter in face of threats of further abuse if he did so; to have a door locked immediately infront of Thums; also evinces Trep. acknowledged biker buddies of whom Trep was President of Minnesota prison biker's Association; purported 24 K gold golf clubs...

(106) TLU release by Security Director Mark Olson; violating DOC 303 protocol due process; so to re-initiate contact with Thums and Trep to continue the ongoing 'Entrapment / Coercion scheme

(app 107) Evinces magnatude and depth prison went to so to entrap Thums; by Dr. Cullen's presence; obvious breach of HIPPA; and substantiates government motive to create crime to punish Thums for stealing the Social Worker file of Thums himself; whereby staff leaving door wide open; places liability on prison DOC staff for information Thums learned by reading file

(app 108 109) Psychological Services report's by Dr. Collette Cullen dated 04/24/09, & 07/07 /09; not of discovery but made available to defense counsel in advance of trial; perhaps creating doubt why Thums played along; as Security kept Trep hounding Thums

(app 110) DOC form 1927 Consent and Waiver form that could substantiate Thums' 6th amendment vio. establishing Thums had right to expectation of privacy to aid to suppress the illegally coerced audio recording of which without; no case

(app 111) Preliminary Hearing Testimony by ATF, & Explosives Agent; 'Aalto,' of investigation testified; "NO PLAN." where Aalto sat at States side through entire trial; but defense atty never questioned; where this would also have exculpated and fully exhonerated Thums

(app 112 113) WI Patern Jury Instruction #570 to 'Criminal Conspiracy' that was not fully presented to jury; where language concerning how evidence of withdrawl may; "However" be relevant to elements;.. had it been read Fox never would have made false statement of; "why all the desparate attempts to call crimes off; or the comment about NON_Existant NO GO letters.

(app 114 116) Supposed Letter's Thums had writted only after first being charged with the crimes in attempts to now call them off; according to State opening statement and defense counsels' stipulation; in reality attempting to get witnesses, and evincing Brady Violation for State withholding photos Security took of Thums' injuries

(app 117) A mapquest printout from discovery; but defendant Thums never saw until app. House closed his files long after conviction; but evinces that the map in question; Ct. ruled supported Overt Act because Thums drew a map depicting location of ex wifes home location; Mapquest established or could have extablished the Map Thums drew did not depict her local; and did not come whithin miles of her actual location; as the map delivered that the State alleged was the overt act; was only of the small Omro 'Rectangled area' of Defendant's own homes location and of Churches, and Grade School close to first home as reason for buying, and only reminiscing;

(app. 118) J.T. D3 judge 'Double Dipped' and State
-119 Breached Thums prior plea agreement in instructing jury that they were to consider prior acts to Thums' credibility where the State introduced allegations from the prior distant in time plea of 'legal fiction,' violating WI §908.03 (22) prohibiting such use; and shortly after Lister [re-instructed the jury that they were to consider the prior acts evidence only as to motive in instant case;

(app. 120) COLORADO DOC Feb. 11, 2009; response to Thums' accuser's own inquiryies; that was in State's discovery and defense counsel's hands at trial; for Thums actually handing it to him encouraging Torgerson to use to impeach Thums' accuser / assaulter batterer / government agent alleged co-conspirator but only in pretense; where this Document was one of several to disprove; the testimony that prose;cutor knowingly suborned that was false and material to element of Thums' intent; as well as a legal defense of; Knowledge of Physical Impossibility (Cf (app 89), establishing IATC for failure to even question or ask state or the jury; "Why lie about Trepanier's knowledge of his being extradited to Colorado per inter-state detainer; when Trep testified in answering Fox's question; that Trep didn't know anything about Colorado till the day the feds grabbed him up in late July, when Thums only met Trepanier in March. (or see back side of (120)

(app. 121) More proof Trepanier lied when he testified that; "There was No Detainer." and Thums presented this document to Defense counsel at time Trep stated the prejudicial to Thums lie.

(app 123) page 227 of Day 2 Jury Trial; where Fox had purported a fantastic listener phenomenon 'trick' telling ;the jury that; they heard it they saw it etc... that Thums made such a cold hearted statement that; "Oh, yea, my mother died last week but lets get back to how you're gonna kill my ex..." When Thums never never said anything remotely similar to that; in fact; it was C.I. doing all the leading...

(app. 124-125)

Evidence the State's bad faith in pretending to subpoena the lead investigator Detective Timothy Nichols to testify at Thums' trial as witness #2) however on (125) Fox substituted Nichols with another name whom never testified; This sintentional move worked to Thums' substantial disadvantage because; Lister excluded the highly exculpatory Nichols police report sustaining Fox's objection to report as hearsay; effectively ending Torgerson' ability to effectively impeach state's witness, and completely and fully exhonerate Thums; ;for Trepanier's 'Freudean Slip' 1st admitting to Detective it was he whom actually solicited Thums;

(app. 126)

Self evident letter Thums wrote to judge Lister before the May 30, 2014 evidentiary hearing on remand from WI Ct. App. attempting to prepare to self represent; but Lister came out with the surprise threat to sue Thums for liable should Thums ever again raise the judge jury ex parte communication during deliberations on subject matter of actual full jury bias, arising during the voir dire, and apparently lasting the duration of trial; note; Lister never responded to Thums' inquirey in attempt to prepare; it might appear Lister intended to catch Thums by surprise;

TABLE OF CASES A-Z @ i. - vi

TABLE OF CASES

Ake v. Oklahoms, 470 U.S. 68, 105 S.Ct. 1087, 1985 @ XXI

Bartone v. U.S., 375 U.S. 52, 54 (1963); @ III

Bealin v. Foster; E.D. WI Feb. 2022, WL444532; @ XXXVI

Best Price Plumming, Inc. V. Eric Ins. Exchange, 2012 WI 44 ¶37; @ VIII

Blake v. U.S., 723 F3d 831, 843 (7th Cir 2010); @ IV

Brady v. Maryland, 373 u.S. 83 S.Ct. 1194, 10 LED 2d 215 (1963)

Brown v. Allen, 344 U.S. 443, 486-07, 73 S.Ct. 397 (1953); @ XXXX

Buck v. Davis, 137 S.CT. 759, 197 LEd. 2d 1 (2017) @XXXXVI

Chambers v. Mississippi, 410 U.S. 284, 294 (1973) @ XXXV

Chapman v. California, 368 U.S. 18; @ page 28.

Cudjo v. Agurs, 698 F. 752, 766 (9th Cir. 2012)@ XXIX

Cuyler v. Sullivan, 446 U.S. 335, 334, 100 S.Ct. 1708 1716, 64 LEd 333 (1980) @ XV

Davis v. Weschler, 44 S.CT. 13, (1923) @ XXXV

Evitts v. Lucey, 460 U.S. 387, 105 S.Ct. 830 (1985), **

Fay v. Noia, 83 S.Ct. 822 (1963) 372 U.S. 3911, @ XV, XXXVIII

Felder v Casey, 484 U.S. 131; **

Finley v. Johnson, 243 F3d 215 No. 99-40925, (5th Cir 2001) @ XXIX

Fiske v. Kansas, 274 U.S. 380, 385; @ XXII

Ford v. Georgia, 111 S.Ct. 850 No. 87-6796 (1991) @ XVI

Franklin v. Gilmore, 188 F3d877, 883 (7th Cir 1999) @ VII

Freeman v. U.S. 962 F 2d 1258; **

Gacho v. Harrington, 2013 U.S. Dist. 160784 **

Gray v. Greer, 800 F2d 644, 646 (7th Cir. 2010) page 12.

Griffen v. Pierce, 622 F. 3d 831, 843 (7th Cir 2010) @ IV

Haines v. Kerner, 92 S.Ct. 594, 404 S.Ct. 520 (1972) @ VI

Harris v. Champion, 15 F3d 1538 (10th Cir) @ XXXV

Harris v. Reed, 463 U.S. 1032, 1042; @ XXIII

Hebbler v. Benedetti, 693 F3d 1140, @ page 8.

Herring v. U.S. 555 U.S. 135, S.Ct. 2099; **

House v. Bell 126 S.Ct. 2064 (2006) **

Jackson v. Virginia, 43 U.S. 307, 332, n5 (1979) @ XXXVII

Jaffee v. Richmond, 51 F3d 1346; @ Page 8.

Johnson v. Thurmer, 624 F3d 786; **

Johnson v. Zerbst, 304 U.S. 458 (U.S.S.Ct. 1938) **

Jones v. Basinger, 635 F3d 1030 (2010) @ Page 27.

Jungles v. U.S. 903 F2d 468; **

Karr v. Seiver, 29F 4th 873 (7th Cir 2022) @ XXXXVI

KING v KIng, 224 Wis. 2d 235; @ Page 8.

Kithcart v. Merk & Co. Inc. U.S. Sist Ct. NY (2012) @ VI

Lego v. Twoney, 404 U.S. 477 S.Ct. 1972; **

Lee v. DAvis, 328 F3d 896, 900 (7th Cir. 2003) @ VII

Marbury v. Madison, 1 Cranch 137 (U.S.S.Ct. Feb. 1803) @ XXXV

Martinez v. Ryan, 132 S.Ct. 1309, 182 L.Ed 272 (2012) Lexis 2317; @ XXII

Massiah v. U.S., 377 U.S. 201, 84 S.Ct. 1199 (1964) @ XXXVIII

Michigan v. Long, 109 S.Ct. 1038, 489 U.S. 255; @ XXIII

Minnek v. Winkleski, 15 F 4th 460, (7th Cir 2021) @ XIV, XV

Mooney v. Holohan, 360 U.S. 264, (June 15, 1959), @ XXXI

Murray v. Carrier, 106 S.Ct. 2639, 2648; @ XXIII, XXX

Napue v. Ill., 79 S.Ct. 1173, 360 U.S. 264; @ XXXI

Nevada v. Jackson, 133 S.ct. 1990, 1992 (2013) @XXXVIII

Newell v. Hanks, 283 F3d 827 (7th Cir) **

Oneok Inc. v. Lear Jet Inc., 575 U.S. 373, 135 S.Ct. 1591; **

~~Thomas v. Williams 822 F 3d 378 (7th Cir 2016)~~ @ XXXXVI

~~Townsend v. Sain, 83 S.Ct. 745; @ III, XXII, XXXX~~

State v. Excalona Naranjo, 185 Wis. 2d 168; @ XXI

State ex. rel. Fuentes v. WI Ct. App. 225 Wis. 2d 446, 593 N.W. 2d 48 (1999); @ II, XXIV

State ex. rel. Rothering McCaughtry, 205 Wis. 2d 673 **

State ex rel. Warren v. Meisner, 392 Wis. 2d 1; @ XXII, XXXI, XXXII, XXXXII, & @ A.

State v. Famous, 366 Wis. 2d 329, App. No. 2016, 1175 & 384 Wis. 2d 270 **

State v. George, 252 Wis. 2d 499, WI S.Ct. 2002; @

State v. Johnston, 184 Wis. 2d 794; @ VII

State v. Knight, 168 Wis. 2d 509, 484 N.W. 2d 540 (1992); @II

State v. Lo, 2003 WI 107 ¶15, 264 Wis 2d 1, 665 N.W. 2d 756; @ XXI, XXXXV

State v. Poh, 116 Wis. 2d 519, ** no extrinsic evi.

State v. Romero-Georgana; 360 Wis 2d 522, 849 N.W. 2d 668; (JUNE 23, 2014); @ XII, XIV, XVI, XVII, XXXVI, & Page 6, 12., 37.

State v. Sample, 215 Wis. 2d 487, 573 N.W. 2d 187 (1998) ** unilateral conspiracy

State v. Starks, [redacted] 349 Wis. 2d 274, 833 N.W. 2d 146; @ XXXI, XXXII

State v. Thums, 2012 AP 466, 467 of the (7th Cir. #15-1414; @

State v. Witkowski, 163 2d 985, 990, 473 N.W. 2d 512 (1991); @ VI, VIII, XXVIII, XXXV

Steward v. Smith, 536 US 856; @ XXI, XXXXV

Strickland v. Washington, 466 U.S. 688, 104 S.Ct. 2052 (1984) @ XIV, XV, & Page 35.

Sullivan v. La., 508 U.S. 275, 113 S.Ct. (1993) @ Page 28.

Sweeny v. Carter, 361 F3d 327, @ VII

Thomas v. Williams, 822 F3d 378, (7th cir 2016) @ XXXXVI

Townsend v. Sain, 83 S.Ct. 745, @ III, XXII, XXXX

U.S. v. 43,... 47,...Acres of Land, 896 F Sup 2d 15q Comm 2012; @ XXXVIII

U.S. v. Barnes, 747 F2d 246; @ Page 29.

U.S. v. Blitch, 622 F3d 658, 666, 7th Cir. 2010; **

U.S. v. Bruscino, U.S. Ct. App. 7th Cir 1981; No. 80-2337; **

U.S. v. Christian, 673 F3d 702, 708 (7th Cir 2012) @ XXII

U.S. v. Guajardo-Martinez, 635 F3d 1056, 1060-61 (7th Cir. 2011) @ Page 7., 8.

U.S. v. Henry, 477 U.S. 264; @ XXXVIII

U.S. v. Iglesias, 535 F3d 250, 158 (3rd cir 2008) **

U.S. v. Kaminski, 703 F2d 1004, (7th cir 1983) **

U.S. v. Litkey, 510 U.S. 555, ** bias judge

U.S. v. Locke, 529 U.S. 89, 120 S.Ct. 1135; **

U.S. v. Maddock, 149 F3d 596; @ Page 8.

U.S. v. Martin, 97 S.Ct. 1349;

U.S. v. Matthew, 505 F3d 698 (7th cir 2007); @ Page 8.

U.S. v. Olano, 507 U.S. 725, 731 (1993) error legal rule

U.S. v. Russell, 411 U.S. 423, 93 S.Ct. 1637 (1973) @ XXIV

U.S. v. Tateo, 377 U.S. 463 U.S. S.Ct. (1964) @ Page 29.

U.S. v. Triplett, 996 F3d 829; @ VII, XXXXV

U.S. v. Williams, 133 F3d 1048 U.S. App. Lexis 701 (7th Cir 1998)

Washington v. Smith, 219 F3d 620; **IAC

White v. Godinez, 143 F3d 1049; **IAC Carrier pigeon

Wiggens v. Smith, 539 U.S. 510, 534, 123 S.Ct. 2257; no 'clearly stronger standard'

Williams v. Taylor, 592 U.S.S.Ct. 362 (2000) @ XXXVI

Woods v. Dugger, 923 F2d 1454; **

Wright v. N.Y., 378 Supp. 2d 202; @ VI

Xiuguing Jian v. Mukasey, 285 Fed. App. 825. @ VI

GOVERNING STATE, & FEDERAL LAW AND PRINCIPLES

WI Legislative Law:

782.03 Writ of Habeas Corpus; @ II, XXXIX

903.03 PRESUMPTIONS; @ XXVI

974.02 Direct Review; P.C.M.; @ XV, XVI

974.06 Post Conviction Collateral Attack; @ IV, XII, XV, XVI, XVII, XXV, XXVII, XXXIII, XXXV, & Page 20.

974.06(1) Time to file a 947.02 must pass before filing a 974.06; @ XVI

974.06(4) 'Sufficient Reason,' must be alleged; @ XXV

WI Constitution

Article I. §8; Due Process; @ II

WI Pattern Jury Instructions;

#570; Conspiracy; @ XXXV, and Page 30., 35.

#____ Reasonable Doubt:'

UNIFORM CERTIFICATION OF QUESTION OF CONFLICTING STATE LAW:
@ III

FEDERAL LEGISLATIVE LAW, RULES, AND DOCTRINE

Fedral Rules of Evidence:

#301 Presumptions
#404 Character Evidence Not Admissible
#803; Inadmissible 'Hearsay' of:
Plea Of No Contest;

28 USCA 1251; @ Page 3.
28 USCs 451; Jurisdiction; @ Page 3.
28 USCS 1254(1) Jurisdiction; @ Page 4.
28 USCS 1257- (a) Jurisdiction; A Page 4.
28 USCS 2241; Supreme Court Jurisdiction; @ Page 6.
28 USCS 2403(a), (3)

CONSTITUTION OF THE UNITED STATES OF AMERICA

1st Amend. Freedom of Speech; @ XXXVII

4th Amend; Unreasonable Search and Seizure

5th Amend; deprived of life liberty etc...
without due process of law

6th amend; deprived of Effective Assistance of Counsel
" " Impartial Jury
" " Compulsory Process

14th Amend; denied Equal Protection from vague
and unconstitutional state law

FEDERAL RULES, AND DOCTRINE

'Plain Statement;' @ VII, Page 9.

'External Impediment' exception; @ VIII, XXIII,
XXXVII, PaGE !!.

"Exhaustion Requirement' @ XXIII

'Due Process,' @ X, XIX

'Equal Protection,' @ X

'Extreme Malfun;ction of Criminal Justice System'
XXXVII

'Independant,' Procedural Bar; from federal law
requirement; @ XI, XXXXV

'Compulsory Process,' XIX

'Supremecy Clause,' XXII

'ACTUAL INNOCENCE:' I-Page 40. or From Beginning to End.

RELEVANT LOWER COURT DENIALS OF THUMS' PLEADINGS

(app. 1) 7th Cir. March 22, 2021
(app. 2) Federal Dis. Judge Conley;)ct. 20, 2020
(app. 3) 7th Cir. Ct App May 27, 2021 denying En Banc
(app. 4) 7th Cir. May 17, 2021 denial
(app. 5) 7th Cir denial April 23, 2021 stay to UCQCSL
(app. 6) 7th Cir. denial April 8, 2021 stay to UCQCSL
(app. 7) WI S.Ct. Feb. 29, 2016 late filing denial

(10)
5-8

SECTION II.

COMPLETE LIST OF ALL PARTIES THUMS SEEKS REVIEW OF JUDGEMENTS BY THIS U.S. SUPREME CT. HEREIN RELATED TO THIS COURT'S REVIEW AND AFFORDING THUMS RELIEF

1. WI Ct. Ct. Trial Judge Thomas E. Lister of Jackson County: for Trial, and Denial of relief, illegal fine.
2. WI Ct. App. Dist. IV. Judges: Lundsten, Sherman, and Blanchard on denial of PC/AC atty House's Appelate pleadings, on Thums' behalf, & shifting burden.
3. WI Ct. Ct. Judge John J. Perlich denial of Thums' only pro se 974.06; that followed House's pleadings as contemporary law allowed; Pre Warren v. Meisner.
4. WI Ct. Ct. Judge Anna L. Becker denial of Thums' (NDE) Newly Discovered Evidence; motion.
5. WI Ct. App Dist. IV. Judges: Lundsten, Higginbotham, and Kloppenburg, denial to reconsider NDE.
6. Un-named WI Supreme Court Justices for their ex parte denial of Thums' proper pro se §782.03 Petition for Writ of Habeas Corpus claims of defective Counsel, at trial and direct review or appeal.
7. U.S. Western Dist. of WI Federal District Court Judge William M. Conley; denial of Petition for Federal Writ of Habeas Corpus release from custody for convictions gained only by numerous Constitutional violations, denial of COA, and motion to reconsider.
8. UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT JUDGES: MICHAEL Y. SCUDDER, and ANY ST. EVE denial of motions for COA, and appeal; COA or not.

SECTION III.

LIST OF ALL PROCEEDINGS DIRECTLY RELATED TO CASE NOW UP FOR REVIEWABLE ERRORS BY THIS U.S. SUPREME COURT

**Please Note: Each court order is labeled as an (app. #) preceeding many other documents material to this Court's full fair review affecting inmates and other classes of citizens regarding criminal review.

(app. 1) U.S. 7th Cir. Ct. App. March 22, 2021 order denying Thums COA, or Appeal finding Thums made no showing of denial of a constitutional right.

(app. 2) U.S. Federal Court for Western Dist. of WI Judge William Conley's October 20, 2020 denial of Thums' pro se Petition For Federal Writ of Habeas Corpus for wrongful conviction; FH #3:16-cv-00861

(app 3) U.S. 7th Cir. Ct. App. May 27,2021 denial of Thums' pro se motion for rehearing en banc

(app. 4) U.S. 7th Cir. May 17, 2021 denial of Motion to AMEND PETITION FOR REHEARING ignoring 165 plus numbered trial attorney errors.

(app. 5) U.S. 7th Cir. Ct. App. April 23, 2021 denial of Thums' pro se MOTION FOR STAY IN PROCEEDINGS TO RETURN TO WI SUPREME COURT FOR CERTIFICATION OF QUESTIONS OF CONFLICTING STATE LAW.

(app. 6) U.S. 7th Cir. Ct. App. April 8, 2021, Denial; of MOTION FOR ORDER BY THIS COURT FOR STAY IN PROCEEDNINGS, AND ORDER FOR CERTIFICATION OF QUESTIONS OF STATE LAW AND BRIEFINGS.

SECTION III.

(app. 7) SUPREME COURT OF WISCONSIN February 29, 2016 legitimate denial of Thums' late filing of a Petition For a Review of WI Ct. App. denial.

(app. 8) Wis. Ct. App. December 9, 2015 'Summary Disposition' affirming Judge John J. Perlich's denial of Thums' only pro se WI Stat. §974.06 PCM Collateral Attack arguing Ineffective Assistance of Postconviction Counsel; for atty House's not arguing much more powerful issues and for not fully arguing those he chose to raise on direct appeal, ignoring 5 questions.

(app. 9) Judge John J. Perlich's September 15, 2014 non-sensical denial of Thums' only pro se 974.06 PCM where Perlich failed to acknowledge almost 40 issues, and hundreds of allegations that were corroborated, substantiated and proven true warranting relief.

(app. 10) Trial Judge Thomas E. Lister's undated; express addressing (PCC/Ac Stephen J. Houses) illigitimate for want of jurisdiction 974.06; where Lister had no jurisdiction to either hear or rule and adjudicate upon; for nearly identical reasons that WI Supreme Court dismissed Thums' pro se Petition For Review ex parte; where in Lister had made dishonest denials of ever meeting with Thums' trial jury during their deliberations, and made numerous mis-leading statements of historical fact.

SECTION IV.

JURISDICTIONAL STATEMENT

The laws Thums believes that gives this United States Supreme Court Jurisdiction over and to hear Thums' pleadings for a Writ of Certiorari order, to address the lower court's denials of truth, fact, and proper law, mis-applying proper reviewing standards, and applyimg improper reviewing standards shifting burden on Thums where it fell to the State, and actually adjudicate merits of Thums' pleadings or wrongful criminal convictions, and abuse of process in lower court's denying Thums a fair review:

28 USC §2403(a), 28 USC §451, The Conflicting State Law principle, U.S. Constitution Article's III, & IV., The Supremecy Clause, the IVth, & XIth Amendment's Guarantee of Due Process of Law, The Equal Protection Clause, This Court's own ruling in; Hawk v. Olson, 271 U.S. 66 S.Ct. 116, 90 L.Ed 61 (1945) for promise to review the record through the State Proceedings when; 'Constitutional Error' creeps into the reviewing process, and examine the state record for itself where a Petitioner has made claims of Constitutionally Deficient Counsel so to find out if Petitioner had actually stated sufficient facts in former pleadings so to be afforded a hearing or relief.

Supreme Court Jurisdiction also by 28 USC 2241, and under USC §1251 concerning conflicting laws and

as Thums has called into question the Constitutionality of certain State Law whereby the WI Court's appear to have mis-stated Legislatures intent by the Court's overreaching and promulgating an infirm 'Conspiracy of One,' or 'Unilateral Conspiracy by only one alleged party in unison with a government agent, or C.I. acting under color of law.

Other; Extraordinary circumstances by; Fay v. Noia, 83 S.Ct. 822 (1963) Jurisdiction envoked under 28 USC §§'s 1254(1), 1257(a), also under 'Conflict Preemption' by U.S. v. Locke, 529 U.S. 89, 120 S.Ct. 1135 (2000), Gaudy v. Basinger, 604 F3d 395; 28 USCA §2254(d)(2), and U.S. v. Kessler, 530 F2d 1246 (1976) where it must be clear Thums was denied a fair trial, a fair review, an impartial jury, competant counsel for his defense where counsel presented none when several were available, and Thums enumerated many Counsel errors that ultimately resulted in a conviction of one whom was actually innocent of all criminal wrongdoing; satisfying the; Strickland v. Washington, and the U.S. v. Cronic, standards required to prove Constitutionally deficient counsel, truly by a major landslide. also under 28 USC §1257 affording This U.S.S.Ct. to review St. Ct. decisions.

SECTION V. STATEMENT OF THE CASE

¶1 While Thums was in WI prison serving 7 yr. sentence on a plea of 'No Cont ' wherein his allocution thereof Thums adamantly denied a number of accusations accompanying plea bargain. Upon a re-sentencing by a new judge un-bound by rule of vindictiveness; Thums presented evidence where upon earning a lesser sentence.

¶2 As evinced by Detective Nichols Report; Thums was offered a murder for hire by a 'Government Agent' States Star witness, Thums' batterer, but upon Thums' refusals of accuser's solicitous offers; Thums suffered a brutal battering by C.I. actually[d]emanding money.

¶3 As Thums had informed defense counsel Torgerson; it was common knowledge that Thums accuser had a Detainer on by Colorado DOC; giving Torgerson names of C/O's that said they would testify as to Trepanier's telling them that he had years to do in Colorado; because of this; interstate agreement and detainer; it would have been a physical impossibility for Trepanier to Commit any criminal act in WI upon his release; but Fox suborned perjured testimony concerning this Knowledge of Physical Impossibility [KOPI] a common law legal defense which Counsel could easily have established.

¶4 Evincing the importance that Torgerson present evidence to show Trep lied about his not knowing about Co. coming to get him; Sentencing Judge Thomas E. Lister made a comment at Thums' sentencing:

"It's not as if Thums could convince this Court or the jury that Thums was comfortable Trep was going to have to go to Colorado for any appreciable amount of time if at all..and carries very little weight with this Court."

The documents to support Thums had such knowledge and that the State suborned perjured testimony lie in Sts. own discovery. Fox elicited an answer to his question: "So, you didn't know anything about Co. coming to get you till the day you got out. right, so it was tie a yellow ribbon around the old oak tree..." And ;even when Thums encouraged counsel to question the only defense witness in this regard as to what he knew Trep knew about Co. counsel failed; but it was known that this witness was helping Trep with his legal work attempting to stay out of Colorado; Trep and witness Driggers stated Driggers was aiding Trep with legal work; but Counsel failed to pursue and impeach and ask; "Why does the State lie about this?"

¶5 Thums had pro se challenged trial counsels defective performance; even requesting harmful extraneous information go to the jury where it was not of record in open court against the Court's cautions that it could prejudice defendant because it might be interpreted to implicate him in an old unsolved murder, further Thums plead well over one hundred trial counsel errors along with prosecutorial misconduct, as well as a bias jury and many more issues; requiring relief by proving his allegations true in motion.

SECTION VI. STATEMENT OF CASE and REASONS FOR THIS COURT AFFORDING THUMS A FULL REVIEW

¶1 Where both the state and federal reviewing court's have unfairly denied Thums as in many of the pre-ceding questions; mis-applying incorrect / improper reviewing standards; and not applying the correct ones; it appears that all of those court's including 7th Cir. Ct. App. also errored in affirming each lower court's affirmations of Thums failing to meet the; Romero supra clearly stronger pleading standard; where, even though Romero Georgana v st. 360 Wis.2d 522 was met by Thums, and shouldn't apply for reasons above; the holding should not apply when petitioner brings evidence of errors of record under;

> U.S. v Guajardo-Martinez, 635 F3d 1056, 1060-61 (7th Cir. 2011); "The error [is] 'clear and obvious' when... In any case; if the claimed error is a matter of record; it is then per se considered to be clear and obvious, or 'Plain Error,' for purposes of IATC, IAPCC, IAAC, Judicial Abuse of Discretion-JAD, Prosecutorial Misconduct - PM, Bias Jury, Improper judge jury contact, jury instruction invading province of jury, Extraneous information before deliberating jury,:" the many other errors Thums

alleged in his pleadings placing the court record in the reviewing judge's lap; that substantiated Thums' claims, again and again; whouldn't the 7th Cir. afford Thums their following their own due process of law?

¶2 Further where the Federal Court's apparently refused to accept any of Thums' pleadings that the State Cts. got the facts objectively wrong, or make any determination of that fact; it appears was intentional so to

NOT,
afford Thums any pre-AEDPA review by;

> Hebbler v. Benedetti, 693 F3d 1140; "Federal Cts. are relieved of AEDPA deference when a st. cts. adjudication of claim results in a decision that was based on an unreasonable determination of facts in light of the evidence presented in the st. ct. proceeding." State of Wis. v George, 252 Wis 2d 499 WI S.Ct. 2002; "A circuit court erroneously exercises its discretion upon facts in the record if it 's decision is inconsistant to those facts." *King v. King, 224 Wis. 2d 235 (1999 Wis. S.Ct.) "In making a determination as to if a trial court has so abused it's discretion; it [must] be found that; the decision was the product of [[rational]] mental process by which the facts of record, and proper law are applied." U.S. v Williams, 133 F 3d 1048; U.S. App. Lexis 701 (7th Cir 1998); HN1; "on review an app. Ct. applies; 'abuse of discretion std. to evidence admitted over an objection. However; the app. ct. reviews court's admission of evidence where no objection was made for 'Plain Error.'"

Shouldn't some reviewing court have recognized that Thums pro se plead all his errors while citing the record; and that by; Guajardo supra; the unobjected to errors Thums plead were per se 'Plain Error?' And, by GOD, thereby making a showing of 'Substance,' of many denials of numerous Federally guaranteed Constitutional rights; but all shirked their duty to analyze if Lister's re-instruction violated;

> U.S. v Martin, 97 S.Ct 1349; "a judge is forbidden to interfere or override jurors independant judgment in a manner contrary to accused's interest." U.S. v Maddock, 149 F3d 596; "Was the instruction insufficient to applicable law, or might the jury have been misled?" Jaffee v Richmond, 51 F3d 1346; "Relief warranted if instruction guided jury to defendant's prejudice."

And, didn't the 7th Cir error not affording Thums a de novo review of the jury instruction complaints by; U.S. v Matthews, 505 F3d 698 (7th Cir. 2007)?

¶3 Considering the 'Plain Statement' rule (app 11) is a Detective report interviewing ex wife of Thums; as she denies the PSI allegation; Defendant Thums never even knew of; until reviewing state's discovery of investigation of current case; where PSI had stated that Thums had held a gun to his ex's head; and the sentencing judge in that instance stated; "He read, and re-read statements in PSI over and over and found it incredulaous that noone had been seriously hurt or Killed;" obviously referencing the gun allegations; so as Thums had this newly discovered evidence he appealed his sentence up to the 7th Cir. and they denied Thums relief because the judge did not say the word [gun.] Surely if one ever hald a gun to my head I'd never forget it. The ex's gun allegations are false.

¶4 Considering (app 12-17) substantiate Petitioner's claims of conflicting state law, determinate to fed. Habe, and pleading for stay so to have WI Cts address the conflicting law; that ensnared Thums; be default.

¶5 (app 18-19)substantiate that 'Detective Nichols had available a recording of the 'Trepanier' (Trep) interview; as nichols reported in (app 18); that trial judge Thomas E. Lister excluded upon state's objection of: 'Hearsay;' where this report would have mandated a 'not guilty vote by every reasonable jury;' because of the 'Freudean Slip;' by Trep; admitting; "...he told Thums; Hey, how much money you got? I could take care

of that for you." and; "That if they got photos of Thums' ex''s house; Thums would get serious." raising strong doubt as to who solicited whom; and grave doubt as to whether Thums had 'any' predisposition to commit any of the charged and convicted crimes; all evincing IATCM IAPCC, IAAC; as well as Thums' 'Actual Innocence' pleadings in only pro se WI Stat. 974.06 PCM Collateral Attack, and the pleading's in the Federal Habeas Corpus Petition before Judge William Conley.

¶6 (app 20, 21), and FH dkt 21 (app. 1047-1049) with emphasis to (app. 1047) that Thums explained to Conley was a 'Government,' 'DOC' exclusive form inmates must use when accessing funds for legal copies, whereon this specific DOC Form #DOC-184; is a surface only ink stamp in upper right corner evincing Thums posesses the original, the legal documents that accompanied disbursment request were legal documents Thums needed copies of to file his Pet. for Review at WI S. Ct.; the dates establish that Thums presented for copy on Jan. 4, 2016; Thums received this form with his original legal documents with no copies on; Jan. 13, 2016 well after the 21 days Conley calculated Thums 'still had left to file his pet...' (app 1048-1049 contain 4 separate requests around relevant time period; that establish also that Conley's purported harmless 'Clerical Error,' has no legs as well; because the same so called 'Clerical Error,' failure to verify;

[OFFENDER ID] had occurred, but in those instances; did not interfere with Thums getting his copies. Only in this one instance at hand; did Thums' opponent deny Thums copies for that reason (wich was their own fault) for 9 days with clock ticking; leaving Thums with a 'Hobsons' choice; so Conley's denial of Thums' pleadings of:'External Impediment,' for cause to excuse late filing in WI S.Ct. are contrary to What Thums placed in Conley's lap; and present an instance that; it precisely the reasoning for implimenting the External Impediment to begin with; and therefore Thums' failure to exhaust state remedies under this guise; must also fall; where Thums must prevail.

¶7 (APP 22-40) EVINCE: Atty House's awareness that the time for him to file a WI §974.02 had not passed; as law demands; before filing a WI §974.06 PCM, and he refused to say ['why'] he did so; (letter from House in response to Thums' inquirey; House dated July 26, 2013) where as the 18 page letter Thums had written to House expressing desire of House to plead the issues of; P.M.; improper jury contact, extrinsic information going to judge; and more powerful issues so to establish IATC; but reviewing court's gave Thums no deference by explaining to them he had expressed such preferences; and reviewing court's never bothered to compare or make any alalysis as to comparative; strengths for; 'clearly stronger analysis,' rather

rather, and instead; each of the court's appear to have in collusion; simply ignored the very facts Thums fully plead; for the court's to use in making this determination; as if Thums had never plead such; and the court's abuse meaning of law so to not perform the juxtaposition of claims as St. v Romero v. Georgana; supra whom the court's cited in denying Thums requires; as does; Grey v. Greer, 800 F2d 644, 646 (7th Cir 2010) and this U.S. Supreme Court.(app 41-56) or, FH dkt 18-20 pgs pgs 30-50 of 57, or J.T.D3 pgs. 30-50; support Thums' allegations in pro se §974.06 that; the jury was presented with extremely prejudicial extrinsic information during deliberations that was not introduced at trial where Thums could explain that this Henry Hobart Homocide that the jury was certain to interpret as; [Thums actually being involved in] when they had no knowledge that it was actually Thums that had reported this HHH. The Judge knew it, the State Prosecutor knew it, and so did defense counsel before committing this delaterious baneful act sending to the jury where it also accused Thums of other bad acts in prison he supposedly gotten away with. There can be no excuse for Torgerson's acts surely to gain a conviction for the state.

¶8 (app 56-64) substantiate that the WI Ct. App. passed on the more powerful issues Thums attempted to raise pro se along-side House's briefs; where in Thums did plead much stronger issues than House; but WI Ct. App.

forced Thums to choose; between, defective counsel, and no counsel, as wI Ct. App. denied Thums based upon what it stated was (Thums) really was Houses failures to develope issues and explain the why's.

¶9 (app 66-74) establish; that Thums appeared before Lister on remand in an evidentiary hearing for one [[*single / 'sole'*]] issue; that judge Lister yet again denies he ever met with jury during their deliberations, and commited the felonious threat to harm Thums' properties by suit of liable; apparently irate for the pro se Nov. 2013 WI §757.19 self recusal affidavit where Thums pulled no punches; also to wich; contrary to reviewing court's findings to deny Thums relief; (Lister; never specifically addressed any recusal motion, and surely never made any plain statement as a final ruling or made any final appealable order whereby Thums could default for not appealing such. Even though Conley determined that Thums presented no law that would preclude an appeal; Conley nor the state propose any law that would.

¶10 @ pg 23 of that remand; Lister himself pronounces to the effect that he lacks jurisdiction to address (ironically) any issue apart from the fine and later reiterates same. The(app 69-71) pgs 28-40 evince that Thums cautioned Lister of making an illegal agreement to deprive Thums of his rightful monies needed to wage a meaning ful appeal by telling atty 'Slate' to continue

to 'hold onto those monies;' to wich none of did Lister log any contention; rather later; Lister actually confirmed what Thums accused him of by; (app 71) saying; lns 15-21; "Mr. Slate will be advised that he is authorized to release those funds." qualifying as an admission, and an adjudication whereby Lister was left with a minesterial duty to act; however; there was no actual written order by Lister to begin with to hold those monies that Thums ever saw; rather a letter from Slate informing Thums the Court prohibited distribution, but more importantly; there never was any order of record; of Lister fullfilling his decree to inform Slate to give Thums his rightful monies.

¶11 Rather; (app 72-75B) (74) might evince an actual order (usurping or lacking jurisdiction) ordering the Trustee's of Thums Trust to send money directly to his court; Thums contrary to WI Ct. App. and Federal Habeas Court did appeal Lister's ex post facto, nunc pro tunc, ex parte, re-imposition of $45,000 fine; see; FH dkt 21 Ex.'B' @ [473] pgs 188-90 of 193, & see (app 72-73 hereto); This July 17, 2014 'Final Appealable Order' by Judge Lister's reimposing the large fine; absolutely further contradicts the WI Ct. App. and Conley's findings that; "Lister addressed the ex parte and the self recusal issue on May, 30, 2014, and issued a final order specifically addressing those issues; but Thums did not appeal; therefore

Thums has defaulted both the judge jury ex parte, and self recusal issue, as well as the fine." Complete indifference to the facts to such a degree; can only be one of two things; either utter complete incompetence; otherwise; legal maneuvering in collusion to craftily bury the truth and deny Thums justice. And; that's only considering what Thums has thus far proven.

¶12 (app 75A-79) evince Jackson County's non-compliance concerning Thums' motions by ignoring them as well as the 'self recusal,' also see; FH dkt 21 (app #1) pg 62 of 42) a letter Thums had written Judge Lister in advance of the May 30, 2014 evidentiary hearing; requesting that; "Lister please inform Thums as to if; he would be addressing any issue apart from the fine?" No reply from Lister; unless; it was in part by this question from Thums that Lister denied jurisdiction over any other issue. (75A) evinces Lister's May 30, purporting to have given Thums' counsel to contact jury was bull; cf.; FH dkt 18-12 pg 60 of 60; that shows; (1) that atty James Ritland whom Thums paid $1,000 to so to survey the jurors to get the dirt on Lister about the ex parte's; had breached confidentiality by telling Lister what Thums was about to do; so Lister immediately issued this; May 4, 2012 order; 'Forbidding even such benine contact,' and besides at time of May 30, 2014 was well after Thums had presented Lister with all conclusive proof that he lied.

So; by the time Lister supposedly had given atty's permission to contact jury; that was completely unnecessary as thums had discovered the final piece of the puzzle as to whom it was that met with jury in the [MORNING] it was Lister; "And, I will tell them again...(with emphasis)" Lister's pretense to have given Thums' attorney's was both a ruse and a futile fishing expedition of which Thums refused to bite; Thums could not trust any of those attorney's whom had already miserably failed and betrayed him to have returned with any real statements from jurors; and by Lister purporting such permission; he'd bolster his own denial/lie; for future court's review.

¶13 (app 79) was the letter that never should have been sent to the jury absent Thums being able to explain that it was he that informed authoritiesof the HHH. also Cf. (app 81) letter to governor defense Counsel was given by Thums to establish Thums wanted the HHH investigated, solved, and resolved; whereby; it still has not been for; Jackson correctional Institution; botching the HHH Investigation by themselves drawing an erroneous map; declaring to Sherriff that thums drew it; when the actual drawing Thums presented to J.C.I. was very different; but when Sheriff looked at the erroneous over super simplified drawing by JCI prison staff; they believed that Thums did not know what he claimed to and investigation stalled. Cf 81-85)

Thums' hand drawn map contained trees and was completely accurate; and; Thums knows much more concerning the 5w's, and how. Yet no judge has bothered to investigate the HHH or Lister's criminal acts.

¶14 If I may slightly digress; (app 80) is just how the clerk of court's copy of jury note number 5 appears; it surely appears as if someone; for the state; had attempted to erase; conceal evidence to the judge jury improper communications ex parte; for upon close examination absent the words Thums wrote in small letters of (Jury are), (was explained), & our(names; just what the jury as a whole was saying would be hard to determine. Perhaps the actual original copy in clerks office would provide more definite answers.

¶15 (app 86-89) 86, establishes that Thums was animate on appeal that the state intentionally withheld evidence from trial; for jury to discover on their own; during deliberations; of wich; Thums learned is a trick prosecutors were taught so that then the evidence is more powerful / pursuasive than if prosecutor; [Fox] had led them to it by the hand. But it should be obvious that Fox had if not Lister's and Torgerson's cooperation in this; at very least defense atty's. (app87) is the news media article judge acknowledged during voir dire to jury that he had read; notice; Thums was also portrayed as a 57 yr. old here as well where obviously the information was provided by the state.

¶16 Obviously as; (86) establishes; the jury also heard this false information concerning Thums' age; the st. had placed in jury's minds that Thums would have been 12 at time of 14 yr old HHH; and not the 8yr. old he actually was; There is no way that this information did not further bias the jury against Thums; as Thums pro se plead on review; if jury wasn't biased against Thums by the first ex parte; they surely were before judge Lister exited jury room the second time and upon retaking the bench; included in his announcement that; "the jury now has a verdict."

¶17 (app 89) is reflective of IATC failure to use evidence in hand from states discovery to impeach state's star witness, C.I. G.A., Thums' accuser, assaulter , and state's suborned purjured testimony material to Thums' Knowledge of Physical Impossibility, etc...if Lister thought the truth Thums had testified to; that Torgerson failed to substantiate with corroborative admissible evidence was a joke; Lister misses the real joke in (app 90) where Torgerson put's Thums at ease before trial assuring Thums that; "Torgerson would present the best defense possible."??? Really?

¶18 (app 91) Jury note #3 confirming that Fox's telling jury during opening that they's see evidence of; "Letter's Thums wrote only after first being charged in desparate attempts to call these crimes off." that the jury bought it hook line and sinker, and even though Fox noted on jury note that the letter doesn't say

'NO GO,' as the record show's; the jury did not see Fox's notation as #3 was not returned to jury per express order by Lister. This was only one of many false facts by Prosecutor that Thums' has been pleading from the start. To see actual; alleged NoGO letter cf., (app 114-116) all it really is; is Thums asking; trying to find a guy; whom Thums asked to relay a message to his accuser assaulter very shortly before he was being release to Federal Marshalls on a 'Detainer' to betaken to COLORADO DOC to serve what could be 3 yrs. In no way did this Letter express that wich Fox had falsely purported; misleading jury to believe; wich by the way; only seconds after Fox had purported such Torgerson got up and told the jury: "I Don't doubt that you'll see most of what...said etc..." Where by Common sense and ordinary reasoning; [[If the letter said what Fox said it said; then obviously Thums was already guilty as charged]] One cannot; 'Solicit one for murder; and then after being charged with that crime attempt to call it off; and still be innocent of the criminal act already committed; and jury would know that; even still; this other inmate whom turned out to be a one; [Arthur Driggers] testified that he did deliver a message but wasn't sure if it was; no go, no deal, or something similar; (Thums testified it was surely; ["no deal;"] at any rate; Driggers also testified he was helping Thums' accuser Trep with his

legal work. Thums in writing expressed that Torgerson should pursue this with Driggers as the legal work was in fact; Trepanier's attempting to stay out of Colorado for one reason; he had nearly been killed last time by being stabbed from which Trep explained and shown Thums the scar. As Sentencing Judge Lister evinced at sentencing; comment; this Colorado prison issue was of import as to what Thums' intent really was, and if it was as counsel; merely mentioned on open; that this guy beat the crap out of Thums and threatened more... hence the message; no deal shortly before he was sent to Colorado; It must be understood that Torgerson possessed all the documentary evidence; as did Fox for the state to prove that the suborned testimony regarding Thums' knowledge of Colorado; of Trep saying in response to Fox; ("So you didn't know nothing about Colorado coming to get you until the day the Federal Marshalls got you did you? ans. Nope. Fox; So it was tie a yellow ribbon around the old oak tree; until Thums got you caught up. ans. 'right.' and Trep testified that there was no detainer, and much more Thums "Substantiated in his one and only pro se 974.06") 178 pages space and a half; "No new facts; mostly conclusory...? Not by a long shot pure hogwash, full of it.

¶19 What Thums is able to present here to; is only a small sample of exculpatory documents; Torgerson had but failed to use to help Thums' bare bones testimony.

¶20 (app 120) If, and when a fiair honest court looks at Thums demonstrations that Court will know Thums deserves relief; Thums will say; here and now that; Petitioner Ronnie Lee Thums; stands firmly upon all of his allegations, and pleadings in a show and tell easy to 'find' cited and referenced appendices; that surely if one wanted to or cared to look; one would surely have found; seek and you shall find that; Thums has done nothing but tell the truth the whole truth (that is apart from when attorney's cut him off) from the beginning; there are no trip wires for Thums to get caught upon or exposed to be a fraud; the only 'Trep Wire' was of two pretenders; Trep pretending, in all aspects; pretending to officials to be of help; pretending to pretend to Thums he would not beat him up again if Thums complied; pretending Thums solicited him, [[all pretend]], and Thums was pretending to go along with this thug so he'd not get beat up again; there simply is too much to present to this single topic here; but sufficient for Court to see a sliver of truth; (app 120) WOW! Only id Torgerson had shown this one single document to jury; this proves Trep knew, and Fox knew Trep knew; all about Colorado before he and Thums even met; This is a response to Trep's own inquirey's dated February 11, 2009; Fox solicited testimony that Trep didn't know anything about Co. until mid July: [STATE OF COLORADO] could

it be possible that Fox; didn't see this document in his own discovery? Not hardly. Oh, there was much more.

¶21 (app 121); Note; Mike Leeway informs JCI that there will be a 'Detainer' forthcoming; to which by law a prison in WI must inform inmate of a detainer per; 'Interstate Agreement On Detainers...' and the time computations were also in atty's handswhere Trep owed almost $7,000 restitution if not paid might stay in CO for all three years. (KOPI)

¶22 (app 122) Trep testified to so many lies; cannot even tap them; but the entry of; (5/19/09) last ¶ of (122) evinces one of two forced meets that government arranged that Thums could not escape; that happened after the assault upon Thums by Trep, and Prison Security Dir. Mark Olson violated protocol falsifying DOC documents to avoid punishing Trep for the assault so to continue this ongoing coercion entrapment; Government Created Crime so to punish Thums for what amounted to a missing file in Social Workers office on Thums himself; motive for DOC to severely punish Thums by any and all means, and the money; Trep asked Thums for; obviously to pay his restitution; where did the real motives lie; with the liars, but defense counsel presented ['No DEFENSE'] even when he had all documents necessary to even move for suppression of the damaging audio gained only by forced meets, threats and coercion. (122) evinces that the prison Securi

Security; actually sent Thums' accuser/assaulter in Thums' tracks; and electronically locked a door directly in Thums' path so; Thums would have to face his assaulter; (again contrary to state's evidence 'fau pau,)' whom Thums did write a statement aginst for the assault; as evidence further proves; Trep knew Thums wrote a statement about the assault; ENTRAPMENT?

¶(123) page after Fox tells jury that; "he didn't believe Thums the defendant, and they shouldn't either;" note lns 2-11 with particularity to Fox's statement;

"Oh, yeah, my mother died last week. Let's get back to how you're going to kill my ex-wife..."

There was never any such evidence as Thums never said any such thing; the jury didn't hear it or see it; rather Fox employed an old; 'Listener Phenomena Trick' here as he had in opening telling the jury they'd see letter's Thums wrote in desparation only after first being charged... Naturally; the jury trusted Fox the prosecutor; Torgerson gave them no reason not to; [[when he had many many opportunities to impeach Fox's and Trep;'s falsifications of fact.

¶24; (app 124) (125) The state's original witness list; naturally including Detective Nichols; for when wouldn't the lead detective testify in such a serious matter; (app 125) the amended witness list Fox submitted 9 days before trial; note; omission or substitution of Nichols with a Gloria Frees; whom did not appear either. The trickerly and deciept by state and federal govern- has yet to be fully flushed out or be accounted for.

¶25 (app 117-119); I humbly apologize; for I must once more digress; (117) is copy of a Mapquest apparent locating my ex's home; the alleged target; but the small penned rectangle is as far as the map that that Thums drew; went; of which the WI Ct. App. found sufficient evidence for it depicted the homes location when Thums' map never drawn outside OMRO. (118-119) Concerning the violation of due process; by Lister allowing a plea of no contest to be used in a distant in time separate matter to be used to impeach Thums' credibility; and also notice; Lister apparently has lack of understanding of what; the words (Solely) & (only) mean; as Lister double dips instructing jury first to only consider the prior acts 'solely' upon Thums' 'credibility,' to impeach; then shortly after Lister instructed the jury to consider the same prior acts evidence; (the plea of no contest) "only on the issues of defendant's motive and intent..." Thums pro se unlearned in law litigant has uncovered hundreds of errors by the State and Counsel, and the State Court; I'll try and make this my last question; [[When does the substantiation of errors; no longer be considered 'errors?']]

¶26 The 7th Cir. being presented with Thums' 'DUAL MOTION' where therein; Thums enumerated 165 trial attorney errors; not even counting the failures to object to Fox spoon feeding direct witness lies.

¶27 (app 92-95 Evince Trepanier's testimony allowed by Torgerson; elicited by Fox was false; [Yes there was a 'Detainer'], and that Trep owed §6904.37; wich may have been Trep's motive initially; to extort money to pay the restitution and perhaps stay out of Colorado by that means; (app. 96-97) more documentation proving state's testimony false. (app 98-99) 98; hand written note to Torgerson pretrial March 2011 re-alerting him that I defendant Thums knew that there was no physical possibility for Trep to commit any criminal act in WI by release from WI DOC custody. 99; DOC form mandated to be given to inmate upon placement of any detainer. (100) along with Trep telling the court, that there was no detainer; he went along with Fox; in that "No-body told of the; (fight/assault) that way the prison couldn't punish either of us and Fox purported that Trep did Thums a solid, a favor, because we had a deal...therefore Thums had good reason to trust Trep and freely enter into a murder for hire, 100 clearly is a statement I wrote; surely this and the photographs of my injuries security took proved something; (app 101) proves that security knew Trepanier assaulted Thums, (102 proves that prison security took photos of Thums' injuries, and Thums has documentation that Security later denied knowledge of any such photos, and state refused to produce, (103) further proof I told of assault.

(104-05) more Detective reports; evincing the government created crime / [Entrapment] (106) prison Security Director Mark Olson fraudulent release from segregation so to re-initiate and continue 'Entrapment' and Olson failed to follow due process; (107) Evinced that there indeed was a missing social worker file; great motive for Olson and Warden et al to want to severely punish Thums; (app 108-09) Psychological 'Report's by Dr. Collette Cullen during relevant time explaining Thums had what has now officially been diagnosed as PTSD given to defense attorney; but he made no use of them; where their use is obviously important; (app. 110) is DOC form 1927 that may have been helpful with the many other documents for atty to move to suppress any evidence for obvious reason's gained after the assault, and that Thums was entitled to a reasonable expectation of privacy during the audio recording in library as well where if counsel had so move there was a good chance of success certainly altering outcome, (app 112-13) Pattern Form Jury Instruction not read at Thums trial related to the purported statements by FOX; as to how such evidence could establish doubt about element of intent. (app 114-16) Thums attempting to locate man delivering; 'No Deal' message; as Thums contrary to Fox; believes that a message of; 'No Deal' is more pursuasive than one of; 'no go;' contraradicting any deal.

¶28 The reviewing court's declaring Lister's criminal threat of May 30, 2014, and barring Thums for non-appeal, or prosecuting is is nothing short of reprehensible, and this Court must investigate the facts.

¶29 Thums' filing for IAAC in WI S. CT. should be excuse for exhaustion because; doesn't WI S.Ct. decision coming after WI CT. App. rule; that's what Thums did.

¶30 Surely as House argued; Thums had deficient counsel at trial; and shouldn't the WI Ct. App. granted Thums relief then and there at that stage of 'Direct Appeal,' where it appears that the WI Ct. App. employed improper reviewing standard where the 'Harmless Error Review;' standard was appropriate; but instead; expressly shifted the burden of proof of prejudice upon Thums; failing to recognize the material facts establishing prejudice that House did plead: Cf. FH dk 18-2 pg 37 of 44 ¶2; House stated; "...implication that Thums had been involved in an earlier, unsolved murder.Fn. 4" The WI Ct. App. never even considered the presumptiveness of prejudice when extrinsic information reaches the jury; no matter what the cause of form rule, and Conley clearly did the same thing affirming WI Ct. App. denying Thums relief or a hearing; where this one single issue must by law call for reversals of convictions by:

Jones v. Basinger, 635 F3d 1030 (2010);
HN26: "The harmless error inquirey cannot be merely whether there was enough evidence to support the result apart from the phase effected by the error

having influence on verdict." citing; Chapman v. Ca., and Sullivan v. Louisiana, 508 U.S. 275, 113 S.Ct. (1993); "The analytical framework for the 'decisive Factor' is: (whether or not the guilty verdict rendered was surely unatributable to the error."

¶31 Where both House and Thums plead the illegal dury reinstruction; there also must be reversals of convictions, based 'solely' on this reinstructional error as well; for the jury question was concerning the 'Overt Act Element;' and the jury was clearly confused; likely as Thums plead; because of the court's and Fox's earlier misstatements of law and fact; but when the jury asked the question; "In this case is the planning the act?" contrary to Conley's misdirection; the jury had at that point believed that; the delivering of the map during the audio recording was at most still planning; and further; one thing Togerson actually did right was; [[suggest the legal answer to that question must be (("NO It's Not!")) to which Fox and the Court agreed was correct in law; however from the actual words Lister delivered; he veered away from, or did a 180 by delivering an effective; (("Yes it is;")) by endorsing the State's theory of what constituted the act; wich in jury's eyes was during the purported planning stages; Lister then placed emphasis on states theory by telling the jury that; (("that was the best he coud do;")) otherwise stating to the effect that; ['The State's interpretation of facts was the right one,' or only

only one they can consider; because at that point Lister foreclosed the jury; forbidding any more questions; and also where;

> U. S. v. Tateo 377 US 463 U.S.S.Ct. cited; U.S. v.Barnes, 747 F2d 246; HN3; "the standard for determining if' or the question is: can we say with fair assurance that the verdict was not substantially swayed by the error? 'If prejudicial evidence that was not introduced at trial comes before the jury, defendant is entitled to a new trial."

¶32 Bottom line is: there is many cases; including Stare Decies; mandating new trial when there is evidence of such errors and usually standing alone; but when one considers; the incorrect in law jury re-instruction foreclosing any not guilty vote; the extraneous HHH information the jury likely interpreted as Thums somehow being involved in rather that the fact it was he whom went to authorities; the two separate instances of the trial judge meeting ex parte, off the record, in the jury room, during the jury's deliberations' process, on the subject matter of objective actual jury bias / fear of, or that Thums might have some of their personal information; where Thums was not informed, afforded right's to counsel or be present, and Lister violated due process failing to hold an inquirey hearing on the record to ascertain probability of actual prejudice to Thums; also denying Thums the opportunity to explain as Thums had plead; that; [["Thums was reviewing the seating chart during voir dire as the

jury noted; because Thums was merely looking to see if any of the unnecessary disproportionate number of fully uniformed prison guards names; appeared on the voir dire list;"]] they had not; and concerning Thums according to federal dist. judge Conley Thums didn't cite any actual jury bias, the 6th amendment, any case law to alert the state fairly of Thums' Constitutional claim of actual jury bias, didnt' appeal the reimposition of the fine, presented no evidence whereby at a new trial absent all the errors alleged and given the new evidence that was not presented at trial; [Detective Nichols Exculpatory report that actually 'Fully Exhonerates Thums'] the many documents supporting legal defenses of; 'Coercion,' 'Inducement,' 'Entrapment,' Outrageous Government Conduct as well as Government created crime,' KOPI Knowledge of Physical impossibility, the full jury instruction #570 on how the jury may consider evidence of timely withdrawl; the many many improper misconduct acts by the State Prosecutor Gerald Fox, any motion to suppress the illegally gained evidence where the prison secutity director violated due process so to send Thums' accuser/assaulter/government agent/C.I. Trep in Thums' tracks after the assault where Thums could not avoid or escape the meeting set up by prison security because of the locked door directly infront of Thums electronically or otherwise; etc...

¶33 It must be by no means misunderstood that: Conley gave zero consideration that all of the above would be events occuring at a new trial; and the fact that none of that was evidenced to the jury at original trial; [[No Wonder the jury didn't believe Thums]] who would in face of all that false perjured misinformation uncontested by defense counsel? Heck; Thums attempted to explain to his then living father that; [["If Thums was sitting on jury he would have had to vote to convict too."]] Unfortunately for Thums, his mother and father have since these charges and convictions passed on.

¶34 Can this Court or any other upon consideration of the reality of what Thums plead in original pro se 591 page PCM; genuinely with a straight face state that; [[Oh, Thums had a fair trial, Constitutionally satisfying defense counsel, there was no prosecutorial misconduct or suborning of prejudicial purjured testimony, the jury wasn't biased; that Torgerson fullfilled his promise to present the best defense possible, that a m otion to suppress had no chance, nor were any of the legal defenses available to Thums, Thums failed to present evidence of either his: 'Actual Innocence,' of that; 'Government in any way impeded his access to the court's or that government did have possession of Thums' legal documents, that after Thums still got his originals back with none

of his necessary properly requested copies that Thums still had 21 days to make his deadline; or that Thums did not diligently attempt to pursue any issues that would afford relief, or that none of Thums' issues plead pro se later were any stronger than those House plead when one of them was clearly waived on direct review for failure to contemporaneous object, and the; 'Sufficiency of Evidence,' and the 'Merging of Charges,' are both extremely unlikely to succeed in any event; the only one House plead with any real chance of success was the issue of; "the HHH extranous information going to jury during deliberations for them to make the absolute worst of."

¶35 But in the end Thums has yet to have any one single f;air proper full review by any court actually looking to the facts Thums plead, actually conclusively proved with objective real concrete admissible credible evidence; so I suppose the only way the court's could beat Thums was to simply say that; Thums had never plead or alleged that which he in reality had fully fairly plead that even by the enormous ;591 page PCM most probably unlike any in history of the U.S., it still nevertheless [[<u>doesn't reach the magnatude of the Trvesty, Miscarriage of Justice; also of which most probably; literally takes the cake in way of layers of injustice that tears at the Constitution it's very 'Fabric,' and faith in Judicial System</u>

that must outrage any person with any understanding of law, and criminal justice; in fact as Thums has consulted many legal minds in prison; as to hearing of many even most of the errors complained of; 1st they are in disbelief or shocked and say; 'No way,' but when learning it is of record; are doubley shocked and in further disbelief for the unheard of incredulousness; and some get the chills; and or actually become physically ill; and when actually viewing my evidence become dumbfounded and in many cases speechless and can only shake their heads; I've read many hundreds if not thousands of cases overturned for violations of Constitutional right's; (I) Thums can honestly say that no two that were reversed in combination or totality can compare and even it likely would take up to ten or morewould still fall short or be overshawded by this single case.

¶36 Granted, the criminal liability for the criminal acts against Thums have passed statute of limitations; but going back to Thums' original convictions that Thums has been incarcerated continuously since; there were horrifying lies told and some printed in the news paper destroying Thums' in many ways; Thums must attempt with his last breath and 'Red Cent' to have the truth be known; Thums hopes to be interviewed and actually speak with Dr. Phil McGraw; for outside the judicial system, or of lawyers; it will take one

with such great knowledge and understanding to know by reviewing Thums' filed pleadings that; everything Thums has alleged is true and accurate; Thums has not lied, nor recanted anything from the beginning. There are no trip wires; the truth, and Thums' pleadings must speak for themselves; and Thums stands firmly upon them, and the 'hundreds of cases that support Thums' and his pleadings,' of which Thums referenced.

¶37 Because Thums had explained in detail in his pro se WI §974.06; how the HHH extraneous information was harmful, or (worked to his substantial disadvantage); how it effectied the outcome by trial counsels failures to investigate, review full discovery, plead any of at least 4 affirmative and or complete legal defenses, how the failure to move to suppress audio recording and second map gained only after, and as a result of the assault and pre-arranged by prison security forced meets that had a good chance of success, and if it had succeeded as to how that effected outcome obviously causing Thums substantial harm; how the jury re-instruction worked in effect as a directed verdict by Lister's forcing/foreclosing jury the not guilty of overt act, the extra number of fully uniformed prison guards at voir dire, Lister's cautioning jury as to answers they might give during voir dire, the circus environment created by Fox that the jury resented being seated in defendants spot with defendant

seated up in jury box looking down on jury; failure of counsel to object of entering the HHH into evidence for Fox violating the 'Rule of Completeness (contemporaneously)' failure to assure #570 jury instruction was read in full; failure to object when Fox entered the altered digitized copy of audio when Fox proclaimed it to be the authentic original per United States Rule and or failure to alert jury that the audio was not totally accurate and only portions of when Thums had attempted to leave prior to any even planning but C.I. told Thums he had to stay, when on a break Torgerson and Thums both witnessed Warden Randall Hepp coaching their witness against Court's orders during middle of witnesses testimony; and many more errors too numerous to even list here; but Thums presented in his 974.06 as to who, it was committing each of these errors, the where and when, was pretrial and at trial, of course per se; 'what' the actual error was, and in most cases how it affected the outcome; clearly not only meeting the Strickland v. Washington supra, establishing the numerous errors by trial counsel that obviously fell beneath professional norms resulting in an unjust criminal conviction resulting in an extended perior of incarceration deprivation of liberty and all other pursuits of happiness; but Thums also proved numerous other Constitutional violations of wich; if House had plead he most certainly gained

Thums at the very least reversals of convictions, a new trial where Thums was then in a better position to self defend and present much exculpator evidence that the jury never saw; but if prevailing on the issue of P.M. as Thums plead would not only require a reversal of convictions but bar a retrie where at worst case scenereo that statement of why the PM issue was clearly stronger along with Thums' earlier alerting the court Thums was bringing all issues as a matter of right for IAPCC where House failed to argue issues of much stronger weight than those he chose to raise, and Thums had discovered [anew issues that House failed to raise at all and that he failed to professionally adequately develope.

¶36 As to Thums not just alleging material facts that if true would not only warrant relief, but demand it; Thums went much further than mere allegations; Thums pro se expressly stated whatthe issue was, exactly how what happened where for and the whyit was error then held the reviewing court's hand directing them to the proper documentary evidence of court record conclusively irrefutabley [[Proving his allegations to be exactly as Thums alleged]] but Judges of; Lister, Perlich, Lundsten, Sherman, Blanchard, the Federal Court's of Conley, and the 7th Cir. Scudder and St. Eves; each and all to say the least denied Thums a fair review; most likely ignoring all facts

with reckless disregard for the truth, likely denied Thums Due Process, Free Speech proper access to court, Equal Protection and GOD only know's what all else; for it is only He and Thums that recognize the 'Real Evidence,' and 'True Facts.'

¶37 By Thums fairly establishing all the relevant facts, citing governing cases law in excess of one hundred to those identical facts establishing that in fact they were errors of import warranting relief; upon such a full fair review it must appear that; Thums had met the true 'Clearly Stronger' pleading standard layed out in State v. Romero-Georgana, by WI S. Ct. only a very short time before Thums' pleadings; that is even if tat clearly stronger std. was applicable for as to most of Thums' issues it was not anyway for WI Ct.s passing on the merits of most of Thums' well plead facts; then, it must also appear that Thums had satisfied even the most recent ruling by This U.S. Supreme Court in; Shinn v. Ramirez, May 23, 2022, 142 S.Ct. 1718, 22 Cal. Daily op.Serv 4694; HN23; When a federal habeas claim is procedurally defaulted, a fed.Ct. can forgive the default, and adjudicate the claim; if the prisoner provides an adequate excuse." HN24;"If the state court record for a defaulted claim raised in a state prisoners federal habeas petition is underdeveloped, the prisoner must [show] that the factual developement in federal court is appropriate." HN25; "Out of respect for finality and comity and the orderly administration of justice, federal habeas courts may excuse procedural default only if a st. prisonercan demonstrate cause for the default, and actual prejudice of the alleged violation of federal law."

¶38 Where as Thums made such pleadings as described to the state and federal court's available for a full review; it must be found that; where the WI Court's deemed Thums P.M. issue under-developed, and Conley appeared to agree in several other aspects and this particular one; wasn't Conley's own agreement with WI Ct. App. actually an acknowledgement by Conley when considering all the allegations and material facts Thums plead; a recognition that he, Conley was required to order a hearing and or order up the state court record; as clearly there were facts contested yet when Conley denied Thums; even Conley him self made suppositions and chimerical speculations as to what the real facts were when addressing the two separate judge jury improper communications off the record during jury's deliberation on subject matter of actual entire jury panel bias as evinced by jury note #5 itself.

¶39 What more must a petitioner pleading violations of State and Federal Constitutional law, plead to show that the; 'Factual developement in federal court is not only warranted, but necessary, and required? As Conley further ignored Thums' many well plead facts of IATC, and if Conley had actually read Thums' pleadings of IAPCC; wich in effect were actually; facts of 'New Evidence,' at least for purposes of establishing the 'Sufficient Reason,' excuse for procedural de-

fault allowing; Martinez Ryan supra P.B. exception; and Conley ignored fact that by Thums establishing IAC in first instance and the second; somewhere the court's must look to such Constitutional denials of Effective Assistance of Counsel as; 'An External Factor,' and consider the weight of evidence in a respectful manner in administering justice affording petitioners substantiated facts due credence; and in IAC demonstrations actually fault the state for his public defenders acts; where even though the WI Ct. appeals applied an inproper std to the HHH issue; it did effectively detremine House did not develope it.

¶40 As for the WI Unilateral Conspiracy common law conviction; whether it must be re-visited or declared unconstitutional for vagueness of statute if not for other reasons; as legislature in no instance had intended the harsh penalty for one entrapped by only concession by one whom was assaulted; with that very agent of assault, unless perhaps the accused had at some other point in time during the alleged criminal scheme; [had made a 'True Agreement' with another individual apart from the C.I., and where the law cleary states that it is meant to detour group activity, and an agreement where; more than one individual join in venture with intent to same ends; clearly in this instant case there was no joint venture where two in-;dividuals intended a crime actually be committed.

CONCLUSION

With much still left unsaid; Thums prays that this U.S. S.Ct.; be able to recognize the truths by a full fair long overdue review affording Thums his say and day in Court. May this Court be granted the wisdom, to recognize this true miscarriage of justice, as an [extra-ordinary] case] so to dispence with law and justice demand by granting writ of Certiorari, and any other relief this Court finds appropriate; even to order immediate release of Thums; for the apparent stonewalling at each level Thums presented his facts. Thums has been falsely accused of numerous acts he never committed; and wishes to set the record straight, and perhaps regain the trust of Thums' children by a proper vindication; regardless will pursue legal acts.

I RONNIE LEE THUMS pro se do solemny swear under penalty of perjury on this 13th Day of June, 2022; that all I have plead herein and through the years is true; for in this case; remembering the truth although a difficult task; Thums' cannot imagine mingling it up.

DANA I. GORNEY
NOTARY PUBLIC
STATE OF WISCONSIN

Dana I Gorney 6/13/2022

Ronnie Lee Thums

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WI. S.Ct., amd WI Ct. App.
Jackson County Judges; Lister, Perlich, Becker
WI Atty. General Josh Kaul & Governor Tony Evers