

ORIGINAL

No. _____

23-7334

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

APR 23 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

WILLIAM CHARLES FROEMMING — PETITIONER
(Your Name)

vs.

CITY OF WEST ALLIS et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

WILLIAM CHARLES FROEMMING
(Your Name)

PO BOX 1552
(Address)

KAPAA, HI, 96746
(City, State, Zip Code)

414-979-9459
(Phone Number)

QUESTIONS PRESENTED

1. Whether a court can deny access to recordings of proceedings, thereby eliminating any checks and balances for accuracy of the transcripts produced.
2. Whether a court can ignore/suppress evidence of perjury by a witness under oath before the court and/or jury.
3. Whether a court can ignore evidence of false statements by counsel before the court and/or jury.
4. Whether a court can choose to not rule on and/or ignore factual arguments being made in official filings.
5. Whether a court can proceed in a case with a litigant bleeding in the courtroom without providing any pause or medical attention to the individual with such a medical emergency.
6. Whether a court can allow litigants to reveal via court filings, private, personal, protected information of an individual when such information has no statutory requirement, bearing or necessity in the relevant proceedings.

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Petitioner: William Charles Froemming

Respondents: City of West Allis; Patrick Mitchell; Wayne Treep; Lete Carlson; Ryan Stuetgen

Counsel for Respondents: Kail J. Decker; Rebecca Monti

RELATED CASES

Froemming v. City of West Allis, et al., No. 19-cv-996, U. S. District Court for the Eastern District of Wisconsin. Judgment entered Jun. 14, 2023.

Froemming v. City of West Allis, et al., No. 23-2380, U. S. Court of Appeals for the Seventh Circuit. Judgment entered Jan. 24, 2024.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished to the best of my knowledge.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 24, 2024.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th Amendment to the United States Constitution

STATEMENT OF THE CASE

OVERVIEW

Petitioner WILLIAM CHARLES FROEMMING (hereafter referred to as “petitioner”) filed a claim against respondents City of West Allis; Patrick Mitchell; Wayne Treep; Lete Carlson; Ryan Stuetgen (hereafter referred to as “respondent(s)”) on July 12, 2019 under 42 U.S.C. § 1983. In prosecuting this case, the petitioner was subjected to extreme and severe prejudice from the U. S. District Court for the Eastern District of Wisconsin (hereafter referred to as “district court”). These prejudices were presented in rulings, lack of rulings, the court allowing perjury from witnesses and denying to even look at the evidence that would show this to be true. The petitioner was also forced to suffer the defense counsel being allowed to lie in discovery responses and other court filings with zero consequences. The Petitioner has been denied court material that could show additional laws being broken considering that there are multiple errors in the court transcripts in favor of the defense based on petitioner’s recollection of statements made. This pattern of lies then extended to the respondents filings as well as the response from the U. S. Appellate Court Seventh Circuit (hereafter referred to as “appellate court”). It is as if the appellate court did not even read any of the facts of the case and the claims that were made in the appeal process much less review any of the underlying referenced material from the district court. The petitioner was also asked to continue the trial while blood was dripping from a wound on the back of his head while on blood thinner medication prescribed by his cardiologist. The list

goes on and on and the examples below will explain in sufficient detail the facts that will allow you to understand the grave violations of due process, a fair trial and simple human decency that the petitioner has suffered and why action must be taken to right these injustices.

As presented in the questions on page XX of this document, we have several issues in play all of which drastically affected the petitioner's right to due process and a fair trial.

Q1: Whether a court can deny access to recordings of proceedings are produced, thereby eliminating any checks and balances for accuracy of the transcripts produced.

On two occasions the petitioner attempted to retrieve from the district court, audio recordings of the proceedings. September 23, 2022, Kristine Brah (Wilson) responded to respondent's request for audio recordings of some proceedings with "There is no audio for either hearing.". On August 19, 2023 Tom Malkiewicz responded with "Unfortunately there is no audio recording available. The court reporter takes down the official record and produces a certified transcript. That is the official record.". Without recordings, all litigants are left with no method to verify the accuracy of the transcripts. The petitioner views this to be a violation of the right to due process and a fair trial as guaranteed by the 14th Amendment to the United States Constitution (hereafter to be referred to as "14th Amendment").

We are all aware that a single word can make or break an argument or case in the judicial system, both civil and criminal. It is therefore paramount that the accuracy of the court transcripts be of the most perfected documents available in order to maintain balance on the tightrope of legalese. We are also all aware that

humans make mistakes, including transcribers/court reporters. The petitioner believes that there are numerous errors in the transcripts from the trial and other proceedings. By not allowing the litigants to verify the transcripts accuracy via audio recordings of the proceedings (nor allowing litigants to record proceedings on their own), the court and court reporter are violating the petitioner's right to due process and a fair trial in violation of the 14th Amendment.

Q2: Whether a court can ignore/suppress evidence of perjury by a witness under oath before the court and/or jury.

On February 13, 2023 at the trial in district court, the petitioner was questioning respondent Patrick Mitchell, the Chief of Police for respondent City of West Allis. In this questioning, the respondent was asked why he chose to not respond to the complaint of perjury against respondents Treep and Carlson. Respondent Mitchell claimed that he *did* respond regarding perjury in his response letter written to petitioner's filed complaints "I did respond, and, again, to refresh your memory, my response was that even if true, these would not rise to the level of perjury."¹. The petitioner indicated several times that respondent Mitchell did not in fact respond in his letter with anything related to the perjury charges. The petitioner asked if respondent Mitchell would now like to review that response letter in order to see that what he was saying was not true and then correct his testimony. Respondent Mitchell denied wanting to review this document which, if he had been telling the truth, would have proved that he was telling the truth. The petitioner then said to the court "Your Honor, I ask that his response be submitted

¹ 19-cv-996 #62 Pg210 ln8-10

to the record because he has referenced it and is claiming that he says one thing in that response, and I know it does not say anything such.”²

This was a direct request to have this response letter written by respondent Mitchell to be submitted to the court record so that it could reflect that what he was saying on the witness stand was a lie. The court did not allow the document to be submitted. We have a witness that could be proven to be lying under oath, on a witness stand in a district court of the United States, and the judge does not want the document to be part of the record nor does he even want to review it himself to determine if a witness is in fact lying in his courtroom. This is a clear violation of due process and a fair trial for the petitioner and this alone should constitute not only a mistrial, but sanctions and or criminal charges for the parties involved. The petitioner also believes this is a violation of 18 USC §1512(b)(c)(d)(k).

In addition, the respondent Mitchell was asked a similar question on January 28, 2020 under oath in a deposition for this case.³ He continually skirted the issue of not responding until he was presented with his response letter, and once he viewed said letter, he claimed that he did not respond because it was not perjury in his opinion (yet he chose to respond to other accusations that he did not feel were supported by the petitioners complaint letter). This is an additional indication that he did not respond in his letter to the charges of perjury in the complaints and was also shown and reminded that he did not respond. Based on this deposition testimony, his original response letter and his refusal to want to see the response

² 19-cv-996 #62 Pg210 ln17-20

³ Appendix A - portion of Deposition of Patrick Mitchell on January 28, 2020 pg24 ln11 to pg28 ln5

letter in court are clear indications that he knew he was not telling the truth and he should be prosecuted for perjury as we have both false statement and his knowledge of the truth having been presented to him previously and also available at the time of his testimony.

To add insult to injury (and exacerbate the due process and fair trial injustices that had occurred in the district court), the appellate court in their ruling stated the following “He was permitted to question the chief about the letter, but he never offered it as evidence, so it was not published to the jury.”⁴. It is uncertain where the appellate court could have developed such a notion, but as indicated above in the transcript quote, the petitioner clearly did ask that this response letter from the respondent Mitchell be submitted into the record as evidence. Even the Appellee’s brief indicated “Froemming wanted to similarly publish the letter response written by Chief Mitchell to these complaints . . .”⁵.

These efforts to deny and lie about what actually happened and was written in his official response is nothing shy of criminal and should be investigated for prosecution. In addition, this lying on the witness stand, and refusing to review the supporting document showing his inaccurate testimony show a continued pattern of lying by the WAPD including from their Chief Of Police.

Q3: Whether a court can ignore evidence of false statements by counsel before the court and/or jury.

The defense counsel throughout the prosecution of this case, thwarted the judicial process and violated several laws in the view of the petitioner thereby

⁴ 23-2380 #25 pg2 ¶4 Appendix C

⁵ 23-2380 #22 pg9 ¶1

violating not only the petitioner's rights to due process and a fair trial, but also victimizing the petitioner with criminal actions and intent. A single instance that happened during the trial and in front of the jury will be the only one presented here. Many others can be found in the district court documents⁶ but this single instance is enough to warrant investigation and possibly prosecution of these individuals.

On August 22, 2022 the petitioner filed a motion to disqualify defense counsel⁶. This motion was based on lies they have told throughout the prosecution of this case. On February 13, 2023 during day 1 of the trial in the district court, the petitioner was questioning the respondent City of West Allis' police department records department lead Stephen Beyer. In questioning this individual about evidence that was not responded to when requested via discovery requests, he was not able to answer many questions because he did not in fact produce the records provided by the defense in the discovery process. It appears he was never even asked to do so. The defense counsel had instead taken the FOIA request responses to the petitioner's request prior to this case, and passed them off as proper discovery of the materials requested in this case. The petitioner had already shown that those responses were insufficient and incorrect on numerous instances when they engaged in this activity. As a result of the defense counsel admitting that they violated court rules by being the producer of the discovery responses (rather than WAPD records department providing them with what was requested), the court ordered the defense counsel to draft a letter to be read to the jury the morning of

⁶ 19-cv-00996 #45-47

February 14, 2023 on the second day of the trial. The letter that the defense counsel produced was a lie over and over again. The particular issue in question was the discovery request of all log files for all dashcam videos of the officers involved on the night of the arrest. What had been provided was a single log file that was not for a dashcam video, but was instead a 5 second advertisement for the maker of the dashcams on the patrol cars. So the request of all log files for all dashcam videos had not been produced, and this had been pointed out to the court in the district court Motion To Disqualify Defense Counsel on August 22, 2022. The court had opted to do nothing about this lie in the discovery. Now the defense counsel must write a letter saying why the discovery response was not accurate and they try to tell more lies.

The lies included in this letter were:

1. The log file provided was not of a dashcam video
2. The log file provided was not for more than one dashcam video
3. The log file they referenced was claimed to be of a video that they had claimed all along never existed (a video from respondent Treep's dash cam).

The petitioner pointed out to the court that this statement contained lies, yet the court allowed the defense counsel to read these lies to the jurors without forcing them to correct the lies they had repeated. The petitioner believes that the response recorded in the transcripts regarding this letter and the petitioner's response are one of many inaccuracies in the transcripts. Regardless of whether the transcript is correct, the district court's actions (and inactions) allowed the jury to hear false

information on the respondent's discovery responses even though it had been brought up previously that it contained lies and those lies had already been presented to the court⁷ many months prior. Such behavior by the defense counsel and the court are clear violations of the petitioner's right to due process and a fair trial as guaranteed by the 14th Amendment.

Q4. Whether a court can choose to not rule on and/or ignore factual arguments being made in official filings.

On multiple occasions, both the district court and the appellate court have simply ignored critical issues presented to them. Rather than responding with to many motions and issues raised, they simply chose to ignore many of them. There is no way in any reasonable person's world that this is appropriate and is clearly a violation of the due process and fair trial rights of the petitioner.

Although not all examples will be listed here for the sake of conciseness, here are the details of two such incidents.

On August 22, 2023 the petitioner filed with the district court a motion to disqualify defense counsel⁷. This motion was based on numerous lies told by defense counsel in the discovery process and proceedings up to that point in the case. In the district court's ruling on the motion to disqualify defense counsel⁸, only 3 of the 7 lies laid out in document 45 from that case⁷ and addressed none of the many lies that were presented in document 47⁷. By not addressing and correcting these egregious violations of the defense counsel, the court clearly showed negative bias towards the petitioner and prevented valid due process and a fair trial in this case.

⁷ 19-cv-00996 #45-47

⁸ 19-cv-00996 #49

In fact the court was even put in a position during trial to address one of these errors as a result of the court not having taken proper actions when the motion to disqualify was filed. And even then, the court allowed the respondent's counsel to tell the same lie in an official document presented to the jury as details above.

The appellate court seems to suffer from the same malady of putting their head in the sand when it does not want to address issues or has no valid legal argument with which to address said issues. As can be seen in the brief from the petitioner⁹ to the appellate court, many issues were presented, but only two were addressed in the ruling that court issued. All others, including but not limited to, lying by defense counsel, violations of personal privacy rights, lack of recordings to be properly vetted, the district court judge threatening petitioner in sidebar, etc. By not addressing those issues that were presented, the appellate court clearly violated the petitioners rights to due process and a fair trial.

Q5. Whether a court can proceed in a case with a litigant bleeding in the courtroom without providing any pause or medical attention to the individual with such a medical emergency.

On February 14, 2023, the petitioner ended up in the hospital ER with some head injuries. Released from the hospital 90 minutes prior to trial start time for that day, petitioner made it back to his hotel room, took a shower and went to the court house. On the way into the courthouse going through security, one of the security guards pointed out that there was blood dripping from the back of the petitioner's head. Out of respect for the court, the petitioner continued up to the

⁹ 23-2380 #6

courtroom to request a pause in the proceedings so that additional medical attention could be obtained to stop the bleeding. The petitioner was then and is still on blood thinners prescribed by his cardiologist due to heart conditions. The petitioner multiple times requested a pause in the proceedings to seek medical attention and/or a mistrial be declared for the same reason¹⁰. The district court refused all such requests. One of the requests went as follows:

MR. FROEMMING: *Do you really want me to proceed with the situation today while I'm still bleeding? Is that a proper way to run a courtroom?*

THE COURT: *It's your day in court, Mr. Froemming.*

MR. FROEMMING: *And I have a medical emergency. I am bleeding.*

MS. MONTI: *And just --*

THE COURT: *I don't see it that way.*

MR. FROEMMING: *You don't see it that way? You don't see this blood coming off my --*

THE COURT: *We're going to proceed. You should be concentrating on your --*

MR. FROEMMING: *You should be concentrating on my safety. And you are not. Go ahead, hold me in contempt. Maybe I'll get some medical attention.*

THE COURT: *You may invite the jurors in.*

Such inhumane treatment of any litigant is unconscionable. To think that we can not pause the proceedings long enough to get petitioner's head bandaged to stop the bleeding is unbelievable. The security guards on the way into the courthouse asked if I wanted to go to the courthouse nurse and I told them I needed to be in court and we would deal with it there. Yet the district court expected me to carry on with handling a federal civil rights case as both petitioner and attorney while petitioner is wiping blood from a wound

¹⁰ 19-cv-996 #63 pg241-251

bleeding on his head while under blood thinner medications. It boggles the petitioner's mind, and the minds of anyone he has shared this with, that this is even possible, but the records clearly show this to have been the case.

To again add insult to injury (quite literally), the appellate court wants to believe that everything was fine and that the petitioner already had a bandage on his head and that the petitioner had accused the defense lawyers of the attack.

"On the second day of trial, Froemming appeared in court with a bandage on his head from an overnight injury. He claimed that he had been attacked the night before and insinuated that the defense lawyers had arranged the assault."¹¹

Not only did the petitioner not have a bandage on his head, but the petitioner never once insinuated the defense counsel had anything to do with an attack. The petitioner did conjecture that his injuries from the night before *could* have been related to the case but from the initial filing of the case, the petitioner had expressed concerns about his safety considering the vast powers of a police force as his enemy and their ability to retaliate against people in ways that could elude detection and identification. We all know this has happened and will happen again. May not have been the case here, this time, but the petitioner is still concerned for his safety and well being as well as the safety of those around him as a result of these proceedings. People are scared of bringing lawsuits against a lot of people, including powerful politicians, police forces are no different.

¹¹ 23-2380 #25 pg3 ¶2 Appendix C

Regardless of whether there was or was not a bandage, and regardless of how an injury was sustained, forcing a litigant to proceed with no assistance when they are bleeding from their head while under the influence of blood thinners is clearly a violation of due process and fair trial rights as well as the concept of basic human decency.

Q6: Whether a court can allow litigants to reveal via court filings, private, personal, protected information of an individual when such information has no statutory requirement, bearing or necessity in the relevant proceedings.

The petitioner is a very private person. He is reluctant to give out address, phone number and other personal information to anybody. For his own protection, the petitioner maintains a post office box near his home so that he does not have to use his street mailing address when he chooses to not do so. Several times in the proceedings related to this case, the defense counsel has published¹², for no reason, the petitioner's home street address. The petitioner requested of the court in a verbal motion that this information be redacted as it had no relevance to the filings in question nor any relevance to the case whatsoever. The court denied this request claiming "it was a matter of public record". The case had been filed using the PO Box mentioned above, and there were zero indications that this was not allowed for the purposes of these proceedings. Redacting this information from the places where it was used in violation of the petitioner's personal privacy rights, would have

¹² 19-cv-996 #17 pg1 ln1, #17-7, #17-9, #17-10, #33 pg1 ln1

caused no harm to the defense, yet the court refused to do so because of the district court's negative bias towards the petitioner. The modern term "doxing" refers to individuals and entities publishing private details about individuals in order to expose their personal information. This is what was done by the defense counsel and the fact that the district court refused to redact said information showed clear bias violating the petitioner's rights to due process, a fair trial as well as petitioner's personal privacy rights.

REASONS FOR GRANTING THE PETITION

We have all grown up with the indoctrination that truth and justice are the American way, yet in this case we have the opposite of both not only being condoned, but assisted by the very bodies that are meant to uphold these principles.

People riot in the streets when they see the footage of LEO's abusing people in public, but we never see the riots for the injustices that happen in the courtrooms and in the prisons of this great country. Yet this is something that is happening every single day.

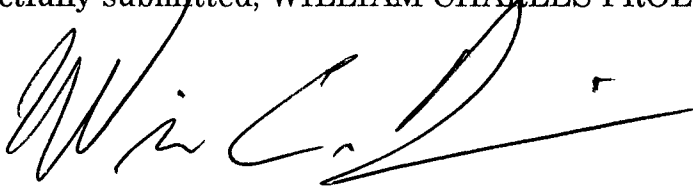
Petitioner has taken the route of using the system set up to address injustices in this case and has been shown that these injustices will not be checked without a fight and even then, grave violations of the basic principles of our society can be violated as the system chooses to pretend it just did not happen. If the judiciary wants to win back the trust of the people of America, it must not only hear, but justly rule on this case so that the actions presented above never happen in a courtroom in this country ever again without consequences to its perpetrators.

CONCLUSION

The details above paint a picture of injustice that is pervasive and detrimental to the fabric of society. Allowing witnesses to lie under oath, attorneys to lie in court filings as well as to jurors, exposing private personal details of individuals and refusing to redact such information, bias by the court to one side of the litigation, threats from the court towards a litigant and more are all unacceptable by anybody's standards and should certainly not be allowed in official proceedings that claim to be administering justice.

It is for this and many other reasons that will be presented if the court chooses to hear this case that this petition for a writ of certiorari should be granted.

Respectfully submitted, WILLIAM CHARLES FROEMMING.



4/23/24

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Date: April 23, 2024