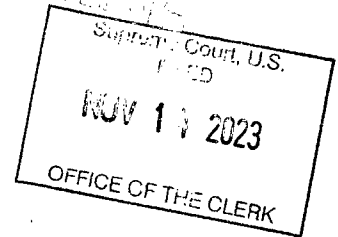


No. 23-922

ORIGINAL



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IN THE  
**Supreme Court of the United States**

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RONALD MCCRAY

*Petitioner,*

v.

The CITY OF BELOIT, CHIEF OF POLICE DAVID  
B. ZIBOLSKI in his individual and official capacities,  
CAPTAIN DAN RISSE in his individual and official  
capacities, SERGEANT EDMUND GATES in his  
individual and official capacities, and OFFICER  
KERRY DAUGHERTY in his individual and  
official capacities,

*Respondents.*

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**On Petition for a Writ of Certiorari to the  
Wisconsin Court of Appeals; District IV**

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**PETITIONER'S PETITION FOR A WRIT OF  
CERTIORARI BRIEF AND APPENDIX**

---

*Amended:* January, 8, 2024

*Filed:* November 14, 2023

RONALD MCCRAY  
2405 Sunshine Lane  
Beloit, WI 53511  
(608) 365-4347  
rmccray@ticon.net

*Petitioner Proceeding Pro-Se*

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## QUESTIONS PRESENTED

- I. Are the Wisconsin Court of Appeals, District IV, UNPUBLISHED Opinion and Order 2021AP693, filed March 2, 2023, and UNPUBLISHED Opinion and Order 2018AP1648, filed July 26, 2019, *Amended August 30, 2019*, Facially Unconstitutional and therefore void and unenforceable as it applies to Rock County Circuit Court Case No. 18CV421 Order of Dismissal with Prejudice; (See: Petitioner's Appendix; pg. APP-3, and pg. APP-16 respectively?
- II. The United States Supreme Court Precedent Ruling of *Felder v. Casey*, 487 U.S. 131 (1988), ordered Wisconsin Courts not to enforce Wis. Stat. § 893.80 120 days limitation notice and claim requirement against federal actions and claims. Does it deprive Mr. McCray of his guaranteed Fourteenth Amendment, Section 1 protected right for the State of Wisconsin to have a rule of law, applying Wis. Stat. § 893.80 120 days notice and claim requirement to Federal Civil Rights Actions and Claims, that applies as PRECEDENT only to McCray, and is PRECEDENT only to McCray's case?
- III. Does the City of Beloit Police Department employees' false and misleading police reports, and false and misleading investigation reports cause injury to Mr. McCray's character and the character of Mr. McCray's business, ISMS Ron McCray's Fine Art:  
<http://www.ismsronmccrayfineart.com/> or  
<http://ismsfineart.com/>?

## PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

Petitioner Ronald McCray was the Plaintiff in the Wisconsin, Rock County Circuit Court proceedings, and the Plaintiff-Appellant in the Wisconsin Court of Appeals District IV, proceedings, and the Plaintiff-Appellant Petitioner in the Wisconsin Supreme Court proceedings according to the Case Nos. of the next paragraph.

Respondents, The City of Beloit, was the Defendant in the Wisconsin Rock County Circuit Court Case No. 17CV689 proceeding, The City of Beloit, Chief of Police David B. Zibolski, Captain Dan Risse, Sergeant Edmund Gates, and Officer Kerry Daugherty were the Defendants in the Circuit Court Case No. 18CV421 proceedings, and Defendants-Respondents in the Wisconsin Court of Appeals District IV, and Wisconsin Supreme Court proceedings appeal Nos. 2018AP001648 and 2021AP000693, Circuit Court Case No. 2018CV000421 proceedings.

Because no petitioner is a nongovernmental corporation, a corporate disclosure statement is not required under Supreme Court Rule 29.6.

### STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

- 1) **Wisconsin Supreme Court**, Petition for Review, No. 2012AP693, *Ronald McCray v. City of Beloit*, (L.C.# 2018CV421),

Ordered petition for review denied: entered August 17, 2023.

- 2) **Wisconsin Court of Appeals District IV**, No. 2021AP693, *Ronald McCray v. The City of Beloit*, (L.C.# 2018CV421)

Ordered motion for reconsideration denied:  
entered March 22, 2023:

- 3) **Wisconsin Court of Appeals District IV**, No. 2021AP693, *Ronald McCray v. The City of Beloit*, (L.C.# 2018CV421) (Unpublished Opinion and Order) Ordered circuit court order summarily affirmed in part and reversed in part;

Furthered Ordered the City's motion for sanctions in the form of costs, fees, and reasonable attorney fees denied

Furthered Ordered going forward the clerk's office receives appellate filings from McCray, the clerk shall not immediately docket the filings and shall instead send the filing to this court for review under Castel, 247 Wis. 2d 451, ¶¶23-25.

Further Ordered that this summary disposition order will not be published.

Opinion and Order entered: March 2, 2023.

- 4) **Wisconsin Supreme Court**, Petition for Review, No. 2018AP1648, *Ronald McCray v. City of Beloit*, L.C.# 2018CV421

Ordered motion for stay (for a motion to bypass the court of appeals and to consolidate Case No. 2018CV421 with Case No. 2019CV386) denied

Furthered Ordered petition for review denied with \$50 costs: entered December 11, 2019.

- 5) **Wisconsin Court of Appeals District IV**, No. 2018AP1648, *Ronald McCray v. The City of Beloit*, (L.C.# 2018CV421)

Ordered motion for reconsideration denied:  
entered August 30, 2019.

- 6) **Wisconsin Court of Appeals District IV**, No. 2018AP1648, *Ronald McCray v. The City of Beloit*, (L.C.# 2018CV421) (Unpublished Opinion and Order) Ordered the circuit court order is summarily affirmed

Ordered this summary disposition order will not be published: entered July 26, 2019; *Amended August 30, 2019*.

- 7) **Rock County Circuit Court** Case No. 19-CV-386, *Ronald McCray v. Lori S. Curtis Luther et. al.*, Order of Dismissal and Awarding Sanctions to Defendants:

Ordered all claims made by the Plaintiff are Dismissed with Prejudice

Ordered Defendants Motion for Sanctions Against Plaintiff Ronald McCray Granted: Court Order written by the Defendants, Lori S. Curtis Luther et. al. and their Attorneys Kyle W. Engelke et. al. under “**Proposed Order**”; signed by Circuit Court Judge Daniel T. Dillon, August 12, 2019.

- 8) **Rock County Circuit Court** Case No. 18-CV-421, *Ronald McCray v. The City of Beloit*, Order For Dismissal

Ordered all claims made by the Plaintiff are Dismissed with Prejudice and the City of Beloit may recover costs from the Plaintiffs as provided by statute: Court Order written by the

Defendants The City of Beloit et. al., and their Attorneys Kyle W. Engelke et. al., under **“Proposed Order”**; signed by Circuit Court Judge Jeffery S Kuglitsch August 23, 2018.

- 9) **Rock County Circuit Court** Case No. 17-CV-689, Ronald McCray v. The City of Beloit, Order For Dismissal

Ordered action is Dismissed without Prejudice; Court Order written by the Defendants The City of Beloit and their Attorneys Kyle W. Engelke et al.; signed by Circuit Court Judge Daniel T. Dillon November-1-2017 (Petitioner Mr. McCray was never served with the **“Proposed Order”** or the Order of Dismissal. There is no certificate of service in court record)

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## **PETITION FOR WRIT OF CERTIORARI**

Ronald McCray respectfully petition The United States Supreme Court for a writ of certiorari to review the judgement of the Wisconsin Court of Appeals, District IV in this case.

## **OPINIONS BELOW**

The Opinions and Orders of the Wisconsin Court of Appeals, District IV, are Unpublished and reproduced at the Appendix of Petitioner's Petition (APP.), pages: APP-2, APP-26, APP-82, and APP-95. The Wisconsin Supreme Court denied Mr. McCray's petitions for review and are reproduced at APP-1 and APP-104.

## **JURISDICTION**

The judgement of the Wisconsin Court of Appeals, District IV 2021AP693 was entered on March 2, 2023; reproduced at APP-2. A timely motion for reconsideration was denied on March 22, 2023; reproduced at APP-26. A timely Wisconsin Supreme Court petition for review was denied on August 17, 2023; See: APP-1. This Court has jurisdiction under 28 U.S. Code § 2101(c)

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- 1st. Article 6, Section 2 of the U. S. Constitution provides:
- 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made,

under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

**2nd. The Fourteenth Amendment to the U. S. Constitution provides:**

- 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**3rd. Felder v. Casey, 487 U.S. 131 (1988), provides:**

“[B]y the same token, however, where state courts entertain a federally created cause of action, the “federal right cannot be defeated by the forms of local practice.” *Brown v. Western R. Co. of Alabama*, 338 U. S. 294, 338 U. S. 296 (1949).”... Because the notice of claim statute at issue here conflicts in both its purpose and effects with the remedial objectives of § 1983, and because its enforcement in such actions will frequently and predictably produce different outcomes in § 1983 litigation based solely on whether the claim is asserted in state or federal court, we conclude that the state law is preempted when the § 1983 action

is brought in a state court.” (See *Felder v. Casey*, at Pg. 487 U.S. 138, ¶12)

Relevant Excerpts from *Felder v. Casey*, are reproduced at APP-129.

4th. **Griffin v. Milwaukee Transport Services, Inc., 246 Wis.2d 433 (2001) 2001 WI App 125 630; N.W.2d 536, provides:**

¶10. Wisconsin Stat § 893.80(1g) reads... “The statute clearly sets out two different statutes of limitations --- one for claimants who have received a notice of disallowance, and another for claimants who have not.”...

Relevant Excerpts from *Griffin v. Milwaukee Transport Services, Inc.*, are reproduced at APP-137

5th. **Walgreen Co., v. City of Oshkosh 2014 WI APP 54, Case No. 2013AP1610, Court of Appeals of Wisconsin Published Opinion, provides:**

¶21 “We also reject the City’s argument that Walgreen’s action was not timely commenced. ... The City is wrong. The City never gave written notice of disallowance as required by § 74.37(3)(b) and (d). A statutory limitation period does not commence once a claim is “deemed disallowed” under a statute that requires receipt of notice of the disallowance to trigger the limitation period.”

Relevant Excerpts from *Walgreen Co., v. City of Oshkosh* are reproduced at APP-141.

6th. **Kuhn v. Allstate Insurance Co., 181 Wis.2d 453 (1983) 510 N.W.2d 826, Court of Appeals of Wisconsin Precedent Published Opinion provides:**

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In response to Kuhn's challenge, Allstate argues that it neither recited the language or content from our unpublished decision nor attached a copy to its brief. It also suggests that it would be inappropriate to cite the reasoning from a circuit court decision without advising this court that we had affirmed it on appeal.

[8]

Section 809.23(3), Stats., permits reference to circuit court decisions. *Brandt v. LIRC*, 160 Wis. 2d 353, 359, 466 N.W.2d 673, 675 (Ct. App. 1991). While a circuit court decision is neither precedent nor authority upon which this court may base its decision, many of them are highly persuasive and helpful for their reasoning.

On the other hand, Allstate's invitation to this court to consider its unpublished decision, or even the naked reference to it, violates both the letter and the spirit of sec. 809.23(3), Stats. The adverse party may well be compelled to search out and review the decision. The 1978 Judicial Council Notes to this statute observe:

The trend toward unpublication of opinions is nationwide and results from the explosion of appellate court opinions being written and published. Many studies of the problem have concluded that unless the number of opinions published each year is reduced legal research

will become inordinately time-consuming and expensive.

[9]

While there may be no unanimity on the validity of the rule, it remains the law. We therefore impose a sanction of \$100 for Allstate's violation.

Relevant Excerpts from Kuhn v. Allstate Insurance Co. are reproduced at APP-144

7th. **Tamminen v. Aetna Casualty & Surety Co., 109 Wis.2d 536 (1982) 327 N.W.2d55; Supreme Court of Wisconsin Precedent Ruling provides:**

[7]

We note that the petitioner's attorneys, on page 8 of their reply brief, cite and quote from an unpublished opinion of the court of appeals in violation of Rule 809.23 (3). The rule provides:

"An unpublished opinion is of no precedential value and for this reason may not be cited in any court of this state as precedent or authority, except to support a claim of res judicata, collateral estoppel, or law of the case."

[8]

As the Judicial Council's comments to the rule reveal, the noncitation rule is essential to the reduction of the overwhelming number of published opinions and is a necessary adjunct to economical appellate court administration. Accordingly, violations of the noncitation rule will not be tolerated. Under Rule 809.83(2), we deem the imposition of a penalty of \$50 upon the attorneys for the

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petitioners to be appropriate and direct that such sum be paid by them to the clerk of this court within twenty (20) days of the date of this opinion.

Relevant Excerpts from *Tamminen v. Aetna Casualty & Surety Co.* are reproduced at APP-148

8th.        **42 U.S. Code § 1983 - Civil action for deprivation of rights**

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

9th.        **Wis. Stat. § 893.80, states in relevant part:**

**(1d)** Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or

agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or...

(1g) Notice of disallowance of the claim submitted under sub. (1d) shall be served on the claimant by registered or certified mail and the receipt therefor, signed by the claimant, or the returned registered letter, shall be proof of service. Failure of the appropriate body to disallow a claim within 120 days after presentation of the written notice of the claim is a disallowance. No action on a claim under this section against any defendant fire company, corporation, subdivision or agency nor against any defendant officer, official, agent or employee, may be brought after 6 months from the date of service of the notice of disallowance, and the notice of disallowance shall contain a statement to that effect.

(5) Except as provided in this subsection, the provisions and limitations of this section shall be exclusive and shall apply to all claims against a

volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency or against any officer, official, agent or employee thereof for acts done in an official capacity or the course of his or her agency or employment. When rights or remedies are provided by any other statute against any political corporation, governmental subdivision or agency or any officer, official, agent or employee thereof for injury, damage or death, such statute shall apply and the limitations in sub. (3) shall be inapplicable.

8) This section does not apply to actions commenced under s. 19.37, 19.97, or 281.99 or to claims against the interstate insurance product regulation commission.

10th. **Wis. Stat. § 946.12 Misconduct in public office.** Any public officer or public employee who does any of the following is guilty of a Class I felony:

- (1) Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office or employment within the time or in the manner required by law; or
- (2) In the officer's or employee's capacity as such officer or employee, does an act which the officer or employee knows is in excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity; or
- (3) Whether by act of commission or omission, in the officer's or employee's capacity as such officer or



employee exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office or employment or the rights of others and with intent to obtain a dishonest advantage for the officer or employee or another; or

- (4) In the officer's or employee's capacity as such officer or employee, makes an entry in an account or record book or return, certificate, report or statement which in a material respect the officer or employee intentionally falsifies;

**11th. Wis. Stat. § 946.18 Misconduct  
sections apply to all public**

**officers.** Sections 946.10 to 946.17 apply to public officers, whether legally constituted or exercising powers as if legally constituted.

**12th. Wis. Stat. § 946.31 Perjury.**

- (1) Whoever under oath or affirmation orally makes a false material statement which the person does not believe to be true, in any matter, cause, action or proceeding, before any of the following, whether legally constituted or exercising powers as if legally constituted, is guilty of a Class H felony:

- (a) A court;
- (c) A judge, referee or court commissioner;
- (e) A notary public while taking testimony for use in an action or proceeding pending in court;

- (2) It is not a defense to a prosecution under this section that the perjured testimony was corrected or retracted.

13th. **Wis. Stat. § 946.65 Obstructing Justice.**

- (1) Whoever for a consideration knowingly gives false information to any officer of any court with intent to influence the officer in the performance of official functions is guilty of a Class I felony.
- (2) "Officer of any court" includes the judge, reporter, bailiff and district attorney.

**History:** 1977 c. 173; 2001 a. 109.

Only conduct that involves a 3rd-party contracting with another to give false information to a court officer in an attempt to influence the performance of the officer's official function is proscribed by this section. *State v. Howell*, 141 Wis. 2d 58, 414 N.W.2d 54 (Ct. App. 1987).

14th. **Wis. Stat. § 946.47 Harboring or aiding felons.**

- (1) Whoever does either of the following may be penalized as provided in sub. (2m):
  - (a) With intent to prevent the apprehension of a felon, harbors or aids him or her; or
  - (b) With intent to prevent the apprehension, prosecution or conviction of a felon, destroys, alters, hides, or disguises physical evidence or places false evidence.
- (2) As used in this section "felon" means either of the following:

- (a) A person who commits an act within the jurisdiction of this state which constitutes a felony under the law of this state; or
  - (b) A person who commits an act within the jurisdiction of another state which is punishable by imprisonment for one year or more in a state prison or penitentiary under the law of that state and would, if committed in this state, constitute a felony under the law of this state.
- (2m) Whoever violates sub. (1) is guilty of the following:
- (b) A Class I felony, if the offense committed by the felon being aided is, or would have been if the offense had been committed in this state, any of the following:
    1. A Class E, F, G, H, or I felony.
    2. An unclassified felony that is not punishable by a sentence of life imprisonment.

15th. **Wis. Stat. § 946.72 Tampering with public records and notices.**

- (1) Whoever with intent to injure or defraud destroys, damages, removes or conceals any public record is guilty of a Class H felony.

16th. **Wis. Stat. § 62.13 Police and fire departments.**

- (5) Disciplinary actions against subordinates.
  - b) Charges may be filed against a subordinate by the chief, by a member of the board, by the

board as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the president of the board. Pending disposition of such charges, the board or chief may suspend such subordinate.

- (d) Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The board shall set date for hearing not less than 10 days nor more than 30 days following service of charges. The hearing on the charges shall be public, and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the president of the board on request and be served as are subpoenas under ch. 885.

17th. **Wis. Stat. § 19.01 Oaths and bonds.**

- (1) Form of oath. Every official oath required by article IV, section 28, of the constitution or by any statute shall be in writing, subscribed and sworn to and except as provided otherwise by s. 757.02 and SCR 40.15, shall be in substantially the following form:

State of Wisconsin,  
County of ....

I, the undersigned, who have been elected (or appointed) to the office of ....., but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

.... ,

Subscribed and sworn to before me this .... day of ....,  
.... (year)

....(Signature)....,

**(1m)** Form of oral oath. If it is desired to administer the official oath orally in addition to the written oath prescribed above, it shall be in substantially the following form:

I, ...., swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully and impartially discharge the duties of the office of .... to the best of my ability. So help me God.

**18th. Wis. Stat. § 19.35 Access to records; fees.**

**(1)** Right to inspection.

**(a)** Except as otherwise provided by law, any requester has a right to inspect any record. Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect. The exemptions to the requirement of a governmental body to meet in open session under s. 19.85 are indicative of public policy, but may be used as grounds for denying public access to a record only if the authority or legal custodian under s. 19.33 makes a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy the record is made.

**(4)** Time for compliance and procedures.

- (a) Each authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor.
- (b) If a request is made orally, the authority may deny the request orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request. Every written denial of a request by an authority shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37 (1) or upon application to the attorney general or a district attorney.

**19th. Wis. Stat. § 19.37 Enforcement and penalties.**

- (1) Mandamus. If an authority withholds a record or a part of a record or delays granting access to a record or part of a record after a written request for disclosure is made, the requester may pursue either, or both, of the alternatives under pars. (a) and (b).
- (1n) Notice of claim. Sections 893.80 and 893.82 do not apply to actions commenced under this section.

- (3) Punitive damages.** If a court finds that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously denied or delayed response to a request or charged excessive fees, the court may award punitive damages to the requester.

**20th. Wis. Stat. § 809.23 Rule (Publication of opinions).**

- (3) Citation of unpublished opinions.**

- (a)** An unpublished opinion may not be cited in any court of this state as precedent or authority, except to support a claim of claim preclusion, issue preclusion, or the law of the case, and except as provided in par. (b).
- (b)** In addition to the purposes specified in par. (a), an unpublished opinion issued on or after July 1, 2009, that is authored by a member of a three-judge panel or by a single judge under s. 752.31 (2) may be cited for its persuasive value. A per curiam opinion, memorandum opinion, summary disposition order, or other order is not an authored opinion for purposes of this subsection. Because an unpublished opinion cited for its persuasive value is not precedent, it is not binding on any court of this state. A court need not distinguish or otherwise discuss an unpublished opinion and a party has no duty to research or cite it.
- (c)** A party citing an unpublished opinion shall file and serve a copy of the opinion with the brief or other paper in which the opinion is cited.

21st. **Wis. Stat. § 752.41 Decisions.**

- (1) In each case, the court of appeals shall provide a written opinion containing a written summary of the reasons for the decision made by the court.
- (2) Officially published opinions of the court of appeals shall have statewide precedential effect.
- (3) The supreme court shall determine by rule the manner in which the court of appeals determines which of its decisions shall be published.

22nd. **Wis. Stat. § 893.53 Action for injury to character or other rights.** An action to recover damages for an injury to the character or rights of another, not arising on contract, shall be commenced within 6 years after the cause of action accrues, except where a different period is expressly prescribed, or be barred.

23rd. **Wis. Stat. § 893.57 Intentional torts.** An action to recover damages for libel, slander, assault, battery, invasion of privacy, false imprisonment or other intentional tort to the person shall be commenced within 3 years after the cause of action accrues or be barred.

24th. **Wis. Stat. § 806.07 Relief from judgment or order.**

- (1) On motion and upon such terms as are just, the court, subject to subs. (2) and (3), may relieve a party or legal representative from a judgment, order or stipulation for the following reasons:



- (a) Mistake, inadvertence, surprise, or excusable neglect;
- (b) Newly-discovered evidence which entitles a party to a new trial under s. 805.15 (3);
- (c) Fraud, misrepresentation, or other misconduct of an adverse party;
- (d) The judgment is void;

25th. **Wis. Stat. § 808.08 Further proceedings in trial court.** When the record and remittitur are received in the trial court:

- (1) If the trial judge is ordered to take specific action, the judge shall do so as soon as possible.
- (2) If a new trial is ordered, the trial court, upon receipt of the remitted record, shall place the matter on the trial calendar.
- (3) If action or proceedings other than those mentioned in sub. (1) or (2) is ordered, any party may, within one year after receipt of the remitted record by the clerk of the trial court, make appropriate motion for further proceedings. If further proceedings are not so initiated, the action shall be dismissed except that an extension of the one-year period may be granted, on notice, by the trial court, if the order for extension is entered during the one-year period.

26th. **Wis. Stat. § 59.40(2) Clerk of Court; states in relevant part:**

- (2) **CLERK OF COURT; TO KEEP COURT PAPERS, BOOKS AND RECORDS.** The clerk of circuit court shall:

- (a) File and keep all papers properly deposited with him or her in every action or proceeding unless required to transmit the papers. The papers may be microfilmed or microphotographed, or transferred to optical discs or electronic format if authorized under s. 59.52 (14), and the originals may thereafter be destroyed upon compliance with SCR chapter 72.
- (b) Keep a court record and write in that record the names of parties in every civil action or proceeding in the court, the names of attorneys representing the parties, a brief statement of the nature of the action or proceeding, the date of filing every paper therein and of each proceeding taken, the file in which the papers can be found, the time when the action or proceeding is put on the calendar for trial, and when and how the action or proceeding is disposed of; the location where minutes in every case can be found and the place in the judgment record or microfilm or optical disc or electronic file where any judgment, order or report has been recorded, so as to make the court record a history in brief of each action or proceeding from beginning to final disposition; and a complete index of all proceedings therein.
- (i) File, enter, record and keep such other papers, books and records as are required by law.

Constitution and Statutory Provisions Involved  
(Continued at APP-191)

28th. **Wis. Stat. § 895.043 Punitive damages;** Reproduced at: APP-191

- 29th. **Wis. Stat. § 46.90 Elder abuse reporting system;** Reproduced at: APP-193
- 30th. **Wis. Stat. § 943.20 Theft;** Reproduced at: APP-194
- 31st. **Wis. Stat. § 814.29 Security for costs, service and fees for indigents;** Reproduced at: APP-195
- 32nd. **TITLE 18, U.S.C., SECTION 241: Conspiracy Against Rights.....**APP-196
- 33rd. **TITLE 18, U.S.C., SECTION 242: Deprivation of Rights Under Color of Law.....**APP-197
- 34th. **802.05 Signing of pleadings, motions, and other papers; representations to court; Sanctions.....**APP-198

### STATEMENT OF CASE

- ¶ 1. This case presents questions of Exceptional National Importance concerning litigants and their attorneys, being authorized to act as “Court Officials” in their own cases, and being given the authority by Wisconsin Rock County Circuit Court (RCCC) Judges, to speak as judges, in their own cases, and write facially unconstitutional Court Orders at will, under “Proposed Orders”, awarding themselves, costs, fees, attorney fees, and sanctions, against the party bringing a Federal Civil Rights Civil Complaint against them. Afterward, without any justifiable legal consideration to the content of the Proposed Orders, the Wisconsin Circuit Court Judges

signed these “Proposed Court Orders” verbatim, as if they were their own words, and then the Wisconsin Court of Appeals District IV, Justices issued UNPUBLISHED Opinions and Orders summarily affirming the Circuit Court Orders that are “Precedent”, only for Mr. McCray, and “Precedent”, only for Mr. McCray’s case, in direct conflict with, and preempting precedent federal laws, and all precedent state laws with a fabrication of false facts, and a fabrication of false rules of law depriving Mr. McCray of his guaranteed protected Fourteenth Amendment liberty interests, and of his guaranteed protected property interests, and denying Mr. McCray of the equal protection of the laws without providing him with due process of law.

- ¶ 2. The “Federal Question” was first raised in McCray’s Appeal of Circuit Court Case No. 2018CV000421, Appeal No. 2018AP001648, timely filed on Dec. 17, 2018, in the Wisconsin Court of Appeals, District IV, raised in the “ISSUES PRESENTED FOR REVIEW” and stated as follows:

**XV.** Did the court deny McCray of his Guaranteed Fourteenth Amendment Rights to equal protection of the laws, due process of law, and Wis. Constitution Section 9, Remedy for Wrongs (pg.91) when it dismissed all claims with prejudice?

The court ruled with a verdict of a (Stipulation and) Order for Dismissal of All Claims (with Prejudice), on the basis of plain errors being applied to evidence as stated supra (Rec.61, pgs.1-4).

The Wisconsin Court of Appeals District IV, Unpublished Opinion and Order No. 2018AP1648 (Reproduced at APP-82) ignored answering this question, and practically all other questions Mr. McCray presented for review in this appeal and issued the following order: Filed: July 26, 2019, *Amended August 30, 2019*: (at APP-82)

IT IS ORDERED that the order is summarily affirmed under Wis. Stat. Rule 809.21(1)

Circuit Court Order Dismissed all Claims With Prejudice for Failure to Comply with Wis. Stat. § 893.80 120 day Notice and Claim Requirement

IT IS ORDERED that this summary disposition order will not be published

¶ 3. Mr. McCray raised Federal Questions again in his Wisconsin Supreme Court Petition for Review of Wisconsin Court of Appeals District IV, decision and order, Case No. 2018AP001648; Timely filed on September 26, 2019; and stated as follows: STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Does denying McCray's enforcement of his federal civil rights action brought pursuant to The United States Department of Justice, Title 18, U.S.C., Section 241 and 242, for failure to timely comply with Wis. Stat. § 893.80(1d)(a), unconstitutionally deprive McCray of his Guaranteed Fourteenth Amendment Civil Rights?

**Court of Appeals Answered:** Summarily affirmed Circuit Court's ruling that McCray failed to timely comply with Wis. Stat. Sec. 893.80(1d)(a).

2. Does the enforcement of Wis. Stat. § 893.80(1d)(a), 120 days statute of limitations notice and claim, applied to causes of action and claims against “numerous” acts of felony crimes committed against an innocent citizen of the United States, facially violate the Fourteenth Amendment of the United States Constitution?

**Court of Appeals Answered:** The Court of Appeals did not give an opinion on issues regarding felony crimes.

3. Did the Circuit Court, the Honorable Judge Jeffery S. Kuglitsch presiding, make plain errors when assessing McCray’s evidence and claims at the motion to dismiss hearing of August 3, 2018, that violated McCray’s guaranteed civil rights to equal protection of the laws, and due process of law?

**Court of Appeals Answered:** No. The Court of Appeals opinion was it could not conclude that the Circuit Court’s factual findings were clearly erroneous.

The Wisconsin Supreme Court entered the following order, filed December 11, 2019: (at APP-104)

IT IS ORDERED that the motion for stay is denied (which was a motion to bypass the court of appeals, and motion to consolidate Cases Nos. 18CV421 and 19CV386)

IT IS FURTHER ORDERED that the petition for review is denied, with \$50 costs.

- ¶ 4. Mr. McCray timely filed a “Motion for Reconsideration of the Court of Appeals, District

IV, Order 2018AP1648” on Aug. 13, 2019 (at APP-88. The Issues Presented for Review were raised again. They were ignored again, and the Motion for Reconsideration was denied (at APP-95).

- ¶ 5. All of the claims of McCray’s Civil Complaints, Wisconsin RCCC Case Nos.17CV689, filed on August 17, 2017; Case 18CV421, filed on April 13, 2018, and Case 19CV386, filed April 15, 2019, amended June 6, 2019, were all Civil Rights Complaints with actions and claims against “Discrimination, Defamation, Tortious Interference with McCray’s Perspective Business Advantage, depriving Mr. McCray of his civil right to access public records by concealing records without giving McCray a written determination to withhold records as required by law, and Deprivation of Rights Under Color of Law, among other claims. McCray also raised federal Civil Rights Issues regarding his civil rights claims not being heard according to *Felder v. Casey* 487 I/S/ 131 (1988) in his Plaintiff-Appellant Appeal Briefs and Motions for Reconsiderations (See: Ronald McCray’s Motion for Reconsideration of Court of Appeals Opinion and Order 2021AP693, at APP-17; and Plaintiff, Ronald McCray’s Motion Objecting to Rock County Circuit Court Awarding Cost, Fees, and Sanctions to Defendants and their Attorneys, Reproduced at APP-117).
- ¶ 6. Mr. McCray raised Federal Questions again in the Wisconsin Court of Appeals District IV, Appeal No. 2021AP000693; Timely filed on September 20, 2021: The relevant questions from this Appeal are stated in ¶7 below in Mr. McCray’s Petition for Review. The Court of

Appeals entered an Unpublished Opinion and Order on March 2, 2023; as follows (at APP-3:

IT IS ORDERED that the circuit court order is summarily affirmed in part and reversed in part under WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that the City's motion for sanctions in the form of costs, fees, and reasonable attorney fees is denied.

IT IS FURTHER ORDERED that, going forward, if the clerk's office receives appellate filings from McCray, the clerk shall not immediately docket the filings and shall instead send the filing to this court for review under *Casteel*, 247 Wis. 2d 451, ¶¶23-25.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

¶ 7. Mr. McCray raised Federal Questions again in his Wisconsin Supreme Court Petition for Review of Wisconsin Court of Appeals District IV, decision and order, Case No. 2021AP000693 Timely filed on April 21, 2023; and stated as follows: STATEMENT OF ISSUES PRESENTED FOR REVIEW

**(“The Respondents did not file a response to this Petition for Review”)**

- I. Is the Wisconsin Court of Appeals, District 4, UNPUBLISHED Opinion and Order 2018AP1648, Filed July 26, 2019, Amended August 30, 2019, Facially Unconstitutional, and does it deprive McCray of his “Guaranteed” Fourteenth Amendment, Section 1, Civil Rights to due process and deny McCray of equal protection of the laws,



as applied to McCray's Rock County Circuit Court (RCCC) Case No. 2018CV421, and consequently, is rendered void and unenforceable? This issue was raised in the Court of Appeals in McCray's Plaintiff-Appellant Brief, Appeal No. 2021AP000693, Issue #I pg.1; and ¶34-¶50, pgs.18-30; and in McCray's Plaintiff-Appellant Reply Brief, Issue #I pg.1; and ¶5-¶14, pgs.4-10.

**The Wisconsin Court of Appeals District IV**

**Answered: No**

**The Wisconsin Supreme Court Should Answer:**

**"Yes"**

- II. Under the United States Constitution, Amendment 14, Section 1, did the Defendants-Respondents, the City of Beloit, Chief David B. Zibolski, Captain Dan Risse, Sergeant Edmund Gates and Officer Kerry Daugherty, unlawfully enforce laws that abridged McCray's privileges and immunities guaranteed by the U.S. Constitution and the laws of Wisconsin, and deprive McCray of his liberty interests and property interests without due process of law? This issue was raised in the Court of Appeals in: McCray's Motion for Reconsideration of Court of Appeals Opinion and Order 2021AP693, of March 21, 2023, pg.3, ¶6; and McCray's Plaintiff-Appellant Brief, Appeal No. 2021AP000693, Issue #II, pgs.1-2; and ¶52 - ¶57, pgs.30-34.

**The Wisconsin Court of Appeals, District IV**

**Answered: No**

**The Wisconsin Supreme Court Should Answer:**  
**“Yes”**

- III. The United States Supreme Court Precedent Ruling of *Felder v. Casey*, 487 U.S. 131 (1988), ordered Wisconsin Courts not to enforce Wis. Stat. § 893.80 120 days limitation notice and claim requirement against federal actions and claims. Does the State of Wisconsin have a rule of law, applying Wis. Stat. § 893.80 120 day notice and claim requirement to Federal Civil Rights Actions and Claims, that applies as PRECEDENT only to McCray, and is PRECEDENT only to McCray’s case; according to the Wisconsin Court of Appeals, District 4 UNPUBLISHED Opinions and Orders 2018AP1648, and 2021AP000693, and does both opinions and orders violate the United States Supreme Court ruling of *Felder v. Casey*, 487 U.S. 131 (1988)? This issue was raised in the Wisconsin Court of Appeals in McCray’s Plaintiff-Appellant Brief, Appeal No. 2021AP000693, ¶35 - ¶51; pgs.19-30.

**The Wisconsin Court of Appeals, District IV**  
**Answered: Yes**

**The Wisconsin Supreme Court Should Answer:**  
**“No”**

- IV. Did the Rock County Circuit Court make and enforce laws that deprived McCray of his liberty interests and property interests Under the Fourteenth Amendment of the United States Constitution, without due process of law, when it authorized the Defendants-

Respondents named in ¶22, and their Attorneys Kyle W. Engelke and other Attorneys unidentified in court record, to act as court officials and write, at will, court orders against McCray, awarding themselves costs, fees, attorney fees, and sanctions while acting under color of law? This issue was raised in the Wisconsin Court of Appeals in McCray's Plaintiff-Appellant Brief, Appeal No. 2021AP000693, Issue #III, pg.3, and ¶58 - ¶75 ; pgs.34-48.

**The Wisconsin Court of Appeals, District IV**  
**Answered: No**

**The Wisconsin Supreme Court Should Answer:**  
**"Yes"**

The Wisconsin Supreme Court entered the following order on August 17, 2023 (at APP-1)

IT IS ORDERED that the petition for review is denied, without costs.

¶ 8. Even more disturbing, is, by virtue of the facts stated herein, of this Petition for a Writ of Certiorari To The Supreme Court of the United States, the "Proposed Orders" of the RCCC written by the above captioned Respondents and their attorneys, allow litigants to use a state statute, Wis. Stat. § 893.80's 120 day notice and claim limitations period, which practice the United States Supreme Court struck down when applied to Federal Civil Rights actions and claims, as a tool to preempt the United States Supreme Court Precedent Ruling of *Felder v. Casey* that struck it down, and these litigants and their Attorneys prevailed at the Wisconsin County and

State levels in all matters pertaining hereto. Irrefutable evidence of what the aforesaid is true, Mr. McCray has entered many of the Proposed Circuit Court Orders stated above, and the Official, signed, Circuit Court Orders by the Circuit Court Judges, Judge Dillon and Judge Kuglitsch, in his Appendix for this court to compare the language of each pair of Orders: *See:*

- a) **Proposed:** Order Awarding Sanctions to Defendants, Case No. 19-CV386 of 10-25-2021; Reproduced at APP-111,
- a. Order Awarding Sanctions to Defendants, Case No. 19-CV386, signed by Judge Dillon, of 10-27-21; Reproduced at APP-114.
- b) Plaintiff, Ronald McCray's Motion Objecting to Rock County Circuit Court Awarding Cost, Fees, and Sanctions to Defendants and their Attorneys, and Circuit Court Clerk's Letter: this Document was Stamped Filed, the Stamp was then Removed with White-Out Correction Tape, and the Document was unlawfully Removed from Court Record and returned to Mr. McCray, Case No. 19-Cv-386 (Nov. 8, 2021); violating Wis. Stat. § 59.40(2)(a)(b) and (i) #26th of Statutory Provisions; an excerpt from the document stating the Grounds for this Motion are at APP-117.
- c) **Proposed:** Order Denying Plaintiff's Motion for Rehearing for Reasons of Fraud, Misrepresentation and a Miscarriage of Justice; Case No. 18CV421, with Cover

Letter (Feb. 22, 2021) Reproduced at APP-106.

- a. Order Denying Plaintiff's Motion for Rehearing for Reasons of Fraud, Misrepresentation and a Miscarriage of Justice; Case No. 18CV421, signed by Judge Kuglitsch (March 4, 2021) Reproduced at APP-108. "please note, this order was entered into Court Record by the Defendants' Attorney, Kyle W. Engelke, and not Judge Kuglitsch" (according to Appeal Index, No. 2021AP000693, Case No. 2018CV000421 (Aug. 12, 2021).
- d) The remaining "Proposed Orders" in Ronald McCray's Petitioner's Appendix have the word "**Proposed**" in bold type for efficient identification and inspection.

## A. FACTUAL AND LEGAL BACKGROUND

¶ 9. Mr. McCray is a 67 years, and 8 month old African American male Natural Born Citizen of the United States, (whose parents and grandparents were also Natural Born Citizens of the United States), and a resident of the City of Beloit, WI. Mr. McCray is early retired, and the owner of a small business, ISMS, Ron McCray Fine Art <http://ismsronmccrayfineart.com> / or <http://ismsfineart.com/> . Mr. McCray is a citizen with protected traits. He is a Black, African American Male and an Elderly Citizen at Risk. Mr. McCray was an Elder, at the beginning of this long arduous fight to protect his Civil Rights 6 years and 10 months ago.

¶ 10. The Defendants- Respondents: (1) the City of Beloit is a Wisconsin municipal corporation organized and existing under the laws of the state of Wisconsin, with its principal offices located at 100 State Street, Beloit, Wisconsin, 53511; and was the employer of: (2) Beloit Police Chief, David B. Zibolski, who is being sued in his individual and official capacities; (3) Captain Dan Risse, who is being sued in his individual and official capacities; (4) Sergeant Edmund Gates, who is being sued in his individual and official capacities; and (5) Officer Kerry Daugherty, who is being sued in his individual and official capacities; all were employees of the City of Beloit Police Department, at all times relevant hereto; pursuant to 42 U.S.C. § 1983 (#8th of the Constitutional and Statutory Provisions Involved) to redress the Conspiracy Against Rights, and Deprivation of Rights Under Color of Law, of Mr. McCray's Constitutional Right to be free from the fabrication of evidence and enforcing of laws that abridged Mr. McCray's Privileges Guaranteed and Secured by the United States Constitution, and that deprived McCray of his Liberty interests of fair and just treatment under the law, and deprived McCray of his property interest of his full free enjoyment of his time, money, good name and good reputation without due process of law, and denied McCray of equal protection of the laws, violating the Fourteenth Amendment Section 1. of the United States Constitution, pursuant to Title 18 U.S.C. Section 241, Title 18 U.S.C. Sections 242, Wis. Stats. §§ 893.53 and 893.57(at #s 32nd, 33rd, 22rd and 23th of Constitutional and Statutory Provisions respectively).

¶ 11. The City of Beloit Police Department is the law enforcement agency under the control of the local

government, which includes the municipal government, The City of Beloit, and is located at the same address as the City of Beloit central offices are, 100 State Street, Beloit, Wisconsin, 53511

¶ 12. On February 22, 2017 Mr. McCray found a list of patient information from Dr. Guttu's dentist office in his front yard for appointments the next day. McCray called the patients on the list to inform them of what he found. They thanked McCray for bringing this matter to their attention.

¶ 13. After speaking with Dr. Guttu's receptionist on February 23, 2017, and Mr. McCray informing her of what he found and of his conversation with the patients on February 22, 2017, Mr. McCray give her an opportunity to obtain the list. She agreed with Mr. McCray that no one should have access to that information, and that they threw out their recycling a day or two before, and it probably flew off of the recycling truck. McCray conducted himself in a manner with the intent to keep this matter private.

¶ 14. This resulted in the receptionist calling in a false harassment complaint against McCray later that morning, stating Mr. McCray was making harassing phone calls to their patients that morning, which she did not witness, and Officer Daugherty of the Beloit Police department writing a false, fraudulent, malicious and defamatory City of Beloit police report against McCray affirming that the false complaint was true.

¶ 15. Mr. McCray asked Officer Daugherty to amend his report when he spoke to him on March 3, 2017, at the Beloit Police Department after McCray first received and read his report, (See: Exhibit #3, Reproduced at APP-152). Officer Daugherty refused.

This refusal to amend a report Officer Daugherty knew was false, misleading and defamatory, violated Mr. McCray's Fourteenth Amendment Civil Right to Due Process, had the potential to cause Mr. McCray unforeseen harm in his professional capacity as a teacher, and Mr. McCray felt the false report was racially motivated as McCray stated to the Beloit City Manager, Lori S. Curtis Luther, in his letter of complaint dated March 6, 2017, (See: DE Exhibit #1, RCCC Case No. 18CV421, pg. 12, ¶¶ 1, 2, 4, and 5; Reproduced at APP-169).

¶ 16. This DE Exhibit #1 Evidence, was actually McCray's PL Exhibit #1 Evidence from RCCC Case No. 17CV689 of October 24, 2017, to prove to Judge Dillon the Defendant City of Beloit and their Attorneys', Kyle W. Engelke and Ted Waskowski, presented the court with tampered with evidence stating it was the true investigation report in their Motion to Dismiss, which had pages removed from it to obstructing justice, and not reveal the truth about what McCray stated regarding this false and misleading City of Beloit Police Department investigation. The first page of the DE Exhibit #1 has two court Exhibit stickers, at APP-158. Judge Dillon took no action. Mr. Engelke then entered self-incriminating evidence into Court Record during RCCC Case No. 18CV421, indirectly stating the documents McCray entered was actually the true report by entering McCray's evidence into Evidence at the Motion to Dismiss hearing of RCCC Case No. 18CV421 on Aug. 3, 2018. No action was taken regarding Mr. Engelke and the Defendants Obstructing Justice, depriving McCray of his Guaranteed Fourteenth Amendment rights.



¶ 17. What ultimately followed Officer Daugherty's refusal to amend his false police report were a series of letters of complaints to the Beloit Chief of Police, the Beloit City Manager, the Beloit Police and Fire Commission Members, the Beloit City Council Members, and the Rock County District Attorney, all who refused to take appropriate action, and in many instances took no action. This resulted in McCray filing a Rock County Civil Complaint 17CV389, on August 17, 2017. Mr. McCray restates here, all that is written herein pertinent to the factual and legal background of this Petition.

### REASONS FOR GRANTING THE PETITION

¶ 18. As this Court Ruled in *Felder v. Casey*, 487 U.S. 131 (1988) federal rights, actions and claims cannot be defeated by forms of local practice, and Under the Supremacy Clause of the Federal Constitution when there is a conflict between a valid federal law and a state law, the state law must yield. Wis. Stat. § 893.80 is preempted when the § 1983 action is brought in a state court ((See: *Felder v. Casey*, 487 U.S. 131 (1988) Page 487 U.S. 138, ¶3, Reproduced at APP-135). ....notice and claim provisions are inapplicable to § 1983 actions brought in federal court (See: *Felder v. Casey*, Page 487 U.S. 140 ¶3; at APP 136). The question now before this Court is, does its *Felder v. Casey* precedent ruling apply to all citizens of the United States of America who are similarly situated bringing federal actions in Wisconsin State Courts, including Mr. McCray, or does it only selectively apply to some. Mr. McCray is an Elder, who is 67 years and 8 months

old, and he has been repeatedly forced to endure an absolutely hellish ordeal for over 6 years and 8 months now, (which is not over yet), at the hands of the Respondents of this petition, their Attorneys', the Wisconsin Circuit Court Judges named herein, and Wisconsin Court of Appeals District IV Judges refusing to promptly enforce substantive law, while pretending that Wis. Stat. § 893.80 120 days statute of limitations preempts all "Precedent" rules of law, even continuing violations. A brief snapshot of some of the unlawful treatment Mr. McCray was forced to endure is listed in the Petitioner's Appendix Table of Contents (ATC). Therefore, it is of Grave National Importance and Absolutely Imperative that the United States Supreme Court carefully examine all that is written herein to get a sense of how some Wisconsin Judges are still ruling on, and disposing of federal civil rights actions and claims and have conspired together with Municipal officials, their employees, and their Attorneys to deprive some citizens of their protected rights secured by the United States Constitution, and deprive them of State Rights regarding all matters pertaining hereto,

**I. THE WISCONSIN COURT OF  
APPEALS, DISTRICT IV'S, UNPUBLISHED  
OPINIONS AND ORDERS ARE FACIALLY  
UNCONSTITUTIONAL**

¶ 19. The United States Supreme Court concluded that Wis. Stat. § 893.80's 120 day notice and claim requirements could not be enforced against the federal civil rights actions brought in state court

because those requirements are preempted as inconsistent with federal law (See: *Felder v. Casey* 487 U.S. 131(1988); Page 487 U. S. 134; Reproduced at APP-134).

¶ 20. Now, the question before The United States Supreme Court, again, is preemption. Does the state statute; Wis. Stat. § 893.80 when applied to Federal Civil Rights Actions Claims brought in state courts, preempt the United States Supreme Court' Precedent Ruling of *Felder v. Casey* that struck it down? The Wisconsin Court of Appeals answered yes, and allowed the Respondents, The City of Beloit, Chief Zibolski, Captain Rise, Sergeant Gates, and Officer Daugherty of Circuit Court Case No. 18CV421, and their Attorneys, Kyle W. Engelke and other Attorneys who have not identified themselves in Court Record, To do so and prevail at the Wisconsin Rock County Circuit Court level, without appealing the judgement at the higher forum.

¶ 21. The Wisconsin Court of Appeals, District IV, Justices, Fitzpatrick, Graham, and Nashold, have Misrepresented themselves, Misrepresented precedent rules of law, Misrepresented the facts of this case, and Misrepresented Wis. Statute § 893.80 in their Unpublished Opinion and Order of 2021AP693. On Page 3, (Reproduced at APP-5-6), it quotes § 893.80(1d) in relevant part (See: footnote). However, the Justices have unlawfully removed language from Sec. 893.80(1d) that excludes the enforcement of this statute after officers, officials, and employee have been served with a Notice and Claim, unless the claimant is served with a written notice of disallowance § 893.80(1g), pursuant to Wis. Stat. § 893.80(1d), which states:

“(1d) Except as provided in subs. (1g), (1m), (1p and (8)) no action may be brought...” See: # 9th of the Statutory Provisions above.

¶ 22. McCray served all of the Respondents with this Notice and Claim Document. It was admitted to in court record by Attorney Engelke. During the discussion regarding service of this document, Mr. Engelke stated,

“In the sense of – I don’t contend that he (Mr. McCray) did serve the notice of –“

(See: Transcript; Case No. 2017CV689 of Oct. 24, 2017, pg. 17, lines 20-21, at APP-32). Attorney Engelke goes on to state on (pg. 18, lines 7 – 10, at APP-32-33)

“The City has 120 days to respond to him in order to send a notice of disallowance, and if they send a notice of disallowance, that shortens the statute of limitations to six months”.

¶ 23. The City of Beloit and the above captioned Respondents did not consider Mr. McCray’s claim as was ruled they had to by Judge Dillon and they did not serve McCray with a written notice of disallowance. Therefore Mr. McCray filed a second complaint as was ruled he could by law and by Judge Dillon in Case No. 2017CV689, (See: Transcript; pg. 17, lines 22-25; pg. 18, lines 1-25; and pg. 19, lines 1-25, at APP-32-35.

¶ 24. Mr. Engelke and the Respondents went on to write the Court Order for RCCC Case No. 2017CV689 and then **Obstructed Justice** by entering false statements into the order stating the case was dismissed because McCray failed to comply with Wis. Stat. § 893.80, after Mr. Engelke admitted, in Court

Record, that McCray did comply with Wis. Stat. § 893.80; *See*: ¶22 above, (*See*: Transcript; pg. 24, lines 5-12, at APP-36, and the Court Order of Dismissal Without Prejudice, Case No. 17-CV-689, at APP-38). And then Mr. Engelke committed **Perjury**, when writhing the Court Orders falsely stating McCray did not, (*See*: Wis. Stat. § 946.31; #12th of Statutory Provisions)

¶ 25. McCray was never served with this “Proposed Order” of ¶24 above. After checking the Court Record for Case No. 17CV689, Mr. McCray did not find any Certificate of service of this “Proposed Order”. Under “Proposed Order” for this case is the actual signed Court Order by Judge Dillon. The first time McCray saw this Court Order was on May 31, 2018. It was attached to the Defendants’ Motion to Dismiss Case No. 18CV421.

¶ 26. Mr. Engelke, admits, in court record that Mr. McCray did timely comply with Wis. Stat. § 893.80 notice and claim requirements, and the Respondents/Defendants of Circuit Court Case No. 18CV421, DID NOT serve McCray with a notice of disallowance, when he states;

THE COURT: ... - - and what I understood the previous case - - that’s what, the case number 17-CV-689, that Mr. McCray then did follow up in September of that year with a new notice of claim?

MR. ENGELKE: That’s correct, Your Honor.

THE COURT: And did the City respond back or deny that claim or take no action?

MR. ENGELKE: I believe the City took no action, so the period expired (See: Transcript from Motion Hearing, Aug. 3, 2018, Case No. 18-CV-421, at APP-40, pg. 5, lines 15 – 25, at App-47).

¶ 27. The Respondents, and their Attorneys, Mr. Engelke and other Attorneys who have not identified themselves in Court Record, goes on to Obstruct Justice again, violating Wis. Stat. § 946.65 (# 13th of Statutory Provisions) without any consequences, by writing the Court Order for Case No. 18CV421, under **“Proposed Order”** stating Mr. McCray failed to comply with Wis. Stat. § 893.80, after stating in Court Record that he did comply; (See: ¶24 above)(See: **“Proposed”** Stipulation and Order for Dismissal of All Claims (at APP-72), **“Proposed”** Order of Dismissal (at APP-76) and Order Of Dismissal signed by Judge Kuglitsch (at APP-79); depriving Mr. McCray of his Guaranteed Fourteenth Amendment, Section 1, Civil Rights, as previously stated, and depriving McCray of his full free enjoyment of his business *ISMS*, Ron McCray Fine Art, without due process of law.

¶ 28. This nonservice of a written notice of disallowance forces the statute of limitations to go to a 6 year limitations period pursuant to Wis. Stat. § 893.53 Actions for injury to character or other rights, and a 3 year limitations period pursuant to § 893.57 intentional torts, as previously stated herein. Mr. Engelke admits to knowing this by his testimony in Court Record as quoted in ¶22.

¶ 29. **Wis. Stat. § 893.80 has 2 limitations periods**, one for those who receive the required notice of disallowance pursuant to § 893.80(1g) and one for those who do not (See: *Griffin v Milwaukee*

Transport Services, NC, Court of Appeals of Wisconsin, 246 Wis. 2d 433 (2001) 2001 Wi App 125 630 N.W.2d 536, ¶10; at APP-139). This is the Wisconsin Court of Appeals “Precedent Law”. McCray raised these issues with the Wisconsin Court of Appeals, District IV, in his Motion for Reconsideration of the Court’s Unpublished Opinion and Order Appeal No.2021AP693 filed Mar. 21, 2023; at APP-17; ¶5 at APP-21. “Please note ¶11\_ Elder Abuse.

¶ 30. The Defendants of Circuit Court Case No. 19CV386 forced McCray, an Elder, to act against his will and unlawfully took \$5, 387.37, from an Elder at risk, under fraudulent pretenses by enforcing the same failure to comply with Wis. Stat. § 893.80, and aided by Circuit Court Judge Daniel T. Dillon, (See: **“Proposed”** Order Awarding Sanctions to Defendants, and Order Awarding Sanctions to Defendants, signed by Judge Dillon; (at APP-111, and APP-114).

¶ 31. The Defendants falsely stated that Plaintiff McCray’s appeal was frivolous because he failed to make any coherent, non-frivolous argument that addressed issue preclusion or claim preclusion, the basis of the circuit court’s decision, in its Proposed Order Awarding Sanctions to Defendants. Therefore, Plaintiff McCray filed; Plaintiff Ronald McCray’s Motion Objecting to the Circuit Court’s Order, stating the grounds for his motion, (at App-117). **Proof of Payment of Judgement:** (See: unlawful false receipts; at APP-182; and letter to Mr. David Niedfeldt at APP-185). These receipts are for the satisfaction of judgements issued by the Respondents, their Attorneys, and the Rock County Circuit Courts.

¶ 32. Wisconsin Court of Appeals Opinions must be published in order to have precedential effect (*See*: Wis. Stats. §§ 809.23 and 752.41; Nos. 20th and 21st of the Statutory Provisions)

¶ 33. McCray raised this issue with Judge Dillon in his Motion of Objection to the orders stated in ¶31, when he allowed the Defendants of Circuit Court Case No. 19CV386 to write a proposed order that the court grant cost, fees, attorney fees and sanctions to them without a hearing because, “McCray”, did not object to their request, depriving McCray of his Guaranteed Fourteenth Amendment Civil Right to be heard without due process and depriving McCray of his due process civil right to enter evidence into a court proceeding. Mr. McCray’s Motion of Objection document was stamped filed, then someone unlawfully used White-Out correct tape to remove the Circuit Court Clerk’s filed stamp, and returned the document to Mr. McCray with a note stating, “Cannot process per Court directive violating Wis. Stat. § 59.40(2)(a) which states in relevant part:

(2)Clerk of Court to Keep Court Papers, Books and Records. The clerk of circuit court shall:

(a) File and keep all papers properly deposited with him or her in every action or proceeding unless required to transmit the papers....

(*See*: #26th of Statutory Provisions)

## II. THE WISCONSIN COURT OF APPEALS, DISTRICT IV’S, UNPUBLISHED OPINIONS AND ORDERS DISCRIMINATE AGAINST MCCRAY



¶ 34. The Circuit Court Judges, Judge Dillon, and Judge Kuglitsch, and the Wisconsin Court of Appeals Judges have knowingly and willfully discriminated against Mr. McCray by treating McCray differently from how they treat others who are similarly situated and by not applying the rule of law with an even hand to all parties involved in this action. Mr. McCray raised this issue in his 2nd appeal of Circuit Court Case No. 18CV421 after McCray discovered new evidence that unequivocally proved he was treated unjustly, unfairly, and unlawfully, during the course of all hearings, and all appeals of these matters according to all that is stated herein (See: Ronald McCray's Motion for Reconsideration; Appeal No. 2021AP693; Reproduced at App-17; ¶4, ¶5, and ¶6).

¶ 35. In ¶6, of McCray's motion for reconsideration, McCray specifically requested the Court of Appeals Order McCray and the Defendants to file motions and attach the Certificate of Service, and written notice of disallowances to prove, without any doubt, who is telling the truth and who is lying, prior to rendering its decision. The Wisconsin Court of Appeals District IV Judged did not as they fraudulently said they would to determine if McCray's appeal has merit as part of its rationale for barring McCray from filing any other papers in this matter unless they review them first: (See: Unpublished Opinion and Order, Appeal No. 2021AP693; pg. 10, ¶3, Reproduced at APP-14) Mr. McCray understood this, as these Justices presenting themselves, as ruling on the merits, facts, law and the truth.

The evidence for Mr. McCray's second appeal of RCCC Case No. 18CV421 was that there was fraud, misrepresentation, a miscarriage of justice and the judgement is void according to all that is stated in this

petition, pursuant to Wis. Stat. § 806.07(1)(c) and (d), and § 808.08(3) (See: Nos. 24th and 25th of Statutory Provisions). The judgements are void because they enforce false rules of law that abridge McCray's privileges and immunities protected by the U.S. Constitution without due process.

¶ 36. The Wisconsin Court of Appeals falsely states that Mr. McCray is an indigent party and cite a state statute; WIS. STAT. § 814.29(1)(c) for indigent parties as a reason to limit court access under both federal law and Wisconsin law; they did not cite any federal law that permits this (See: Court of Appeals Unpublished Opinion and Order 2021AP693, pg. 11, ¶14; at APP-15) and (See: #31st at APP-195, of continued Statutory Provisions). McCray takes issue with these Justices. Mr. McCray paid in full for all filing fees without any help from anyone for all cases involved in these actions, and without having any fees waived. The Court of Appeals Judges knew, or should have known this. All they had to do is look at court record. Furthermore, Mr. McCray does not qualify to file as an indigent party because his bank account and his income will not allow it.

¶ 37. McCray's privileges and immunities were abridged when Judge Dillon announced, in Court Record, that he was discriminating against McCray by enforcing a law that gave greater protection to the Defendants, stating:

THE COURT: No. You may not. I'm trying to focus on these dates. I'm not making a determination if your claim is valid or invalid, I'm making a determination today of whether you're out of court because the deadline expired. No matter how good your case is, if you miss the deadline,

you don't have a right to bring the claim. That's a statutory prohibition, statutory creation that the legislature has designed specifically to put municipalities on an accelerated path.

**"It's a greater protection for the municipalities** (The Defendant, City of Beloit, its officers and its police department employees) **than an individual** (Mr. McCray) **would have by design** (See: Transcript Case No. 2017CV0689, Oct. 24, 2017, pg. 16, lines 19-25, and pg. 17, lines 1-5 at APP-30 – APP-31)."

¶ 38. The Wisconsin Court of Appeals, District IV, Unpublished Opinion and Order, 2021AP693 of Mar. 2, 2023, falsely states:

"On July 26, 2019, we summarily affirmed the circuit court's order dismissing McCray's second action. **McCray**, No. 2018AP1648. In our July 26, 2019 order, we concluded that "the latest any of McCray's claims arose was March 3, 2017" meaning that "McCray was required to file a notice of claim on or before July 2, 2017." *Id.* at 4. We further concluded that, because "McCray did not serve any notice of claim... until September 28, 2017, which was well after the 120-day deadline ... had passed, "McCray's second action was untimely and the circuit court properly dismissed his complaint for failure to comply with Stat. § 893.80(1d)(a). *Id.* McCray petitioned our supreme court for review of the July 26, 2019 order, and our supreme court denied his petition. (See: pg. 4, ¶2, at APP-6).

This is categorically false:

**First:** the Wisconsin Court of Appeals, District IV, has overreached its authority enforcing failure to comply with Wis. Stat. § 893.80 120 notice of claim, once the officials had been served on September 28, 2019. The Beloit Officials and employees who received the notice and claims pursuant to Wis. Stat. § 893.80 have a NONDISCRETIONARY, MINISTERIAL DUTY to serve McCray with a required written notice of disallowance pursuant to Wis. Stat. § 893.80(1g) before the 120 day limitation period triggers, (See: Wisconsin Court of Appeals Precedent Published Opinion, Walgreens Co., v. City of Oshkosh, 2014 WI App 54. Case No.: 2013AP1610, ¶21, at APP-142-143). The Respondents of this Petition for a Writ of Certiorari, who are the Defendants of Circuit Court Case 18CV421, in question, failed to perform that duty in violation of Wis. Stat. § 946.12(1) and (3), (See No. 10th of Statutory Provisions). Every document the Defendants and their Attorneys have filed in court record, and every court appearance, the Respondents' Attorney, Mr. Engelke has attended arguing McCray's failure to comply with Wis. Stat. § 893.80, is an obstruction of justice as stated in ¶26, supra.

**SECOND:** McCray does have claims which occurred after May 31, 2017, Jillian Peterson and Chief Zibolski concealed the unlawful Procedural Complaint Report investigation from McCray, (See: Exhibit #1, at APP-158). There were more than just 2 reports totaling 4 pages, as they state in their public records response, violating Wis. Stat. § 946.72 (See: #15 of Statutory Provisions and Exhibit #5, Dated June 2, 2017, at APP-156) depriving McCray of his civil right to due process and his civil right to access public records as required by law. The Procedural

Complaint Report investigation has over 12 pages. Please note the Procedural Complaint Report has two Exhibit stickers, one from 17CV689, marked PL, Plaintiff, which McCray entered into evidence at the Oct. 24, 2017 motion hearing. Judge Dillion had McCray initialed each page because McCray argued that Attorney Engelke attached a copy to his motion to dismiss with pages removed from it and stated it was a true copy of the report, which was Obstruction of Justice. He suffered no consequences. Attorney Engelke then admitted guilt when he entered the report as evidence in 18CV421 which is the sticker marked DE. Defendants, 8-3-18, that McCray had previously entered at the 17CV689 hearing. Chief Zibolski knew of the Procedural Complaint report investigation because he stamped and initialed it, yet he falsified a public record said it did not exist; violating Wis. Stat. § 946.12(1)(3) and (4) (See: pg. 6; Reproduced at APP-164)

The Wisconsin Court of Appeals, District IV are ignoring Public Records violations that the Respondents committed after May 31, 2017, by concealing public records, removing public records, and falsely stating they were amending reports when they did not. The language the Court of Appeals removed from § 893.80(1d) expressly excluded public records violations from being heard under Wis. Stat. § 893.80, no matter when they occurred pursuant to Wis. Stat. 893.80(8), and Wis. Stat. § 19.37(1n) and (3) (See #19 of Statutory Provisions). Punitive damages can be awarded if an authority or a records custodian violates this statute. Wis. Stat. § 895.043 **Punitive damages** (See: #28 of Statutory Provisions (continued) Reproduced at APP-191)

**Third:** once McCray discovered Officer Daugherty secretly filed his Beloit Police Report BE1707394 as a “Copy of Cad Call Notes”, and revealed it in a complaint, Jillian Peterson and Chief Zibolski then tampered with evidence and tampered with public records on or about June 22, 2017 by removing the false Beloit police reports and replaced them with a different false report (See: Jillian Peterson’s answering Machine message (at APP-180) where she admits to removing reports after telling McCray there were no other reports except the two reports he was given previously totaling 4 pages in her Public Records Response letter of June 2, 2017, which Chief Zibolski also signed. The Beloit City Council Members and Police and Fire Commission Members unlawfully ignored this complaint and took no action depriving McCray of his Fourteenth Amendment required right to due process of law. The Wisconsin Court of Appeals, Judge Kuglitsch, and Judge Dillion, have unlawfully omitted this evidence occurring after May 31, 2017 when they rendered their decisions and Unconstitutional Court Orders.

McCray’s complaints regarding Police Officers’ Misconduct were required by law to be heard by the City of Beloit Police and Fire Commission, in public, pursuant to Wis. Stat. § 62.13(5)(b) and (d) (See: #16th of Statutory Provisions). McCray served all of his complaints to the Beloit City Manager, Lori S. Curtis Luther, the Beloit City Council Members, and the Beloit Police and Fire Commission Members starting with his first complaints of March 3rd and 6th, 2017 to the Chief Zibolski, and Lori S. Curtis Luther respectively. The Beloit Police and Fire Commission members received these complaints on March 16, 2017, the Procedural Complaint Report

investigation was conducted on March 26, 2017 (See: Exhibit 1, pg. 1; at APP-158). On pg. 1 of this complaint it falsely states the date of the complaint as being March 26, 2017 violating Wis. Stat. § 946.12(4). Mr. McCray's complaints were of March 3, and March 6, 2017 as stated previously (See: Exhibit #1 pg. 12, McCray's letter of complaint to Lori S. Curtis Luther of March 6, 2017 Reproduced at APP-169). This is one of the letters Sgt. Gates was "Supposed to be" investigating, yet he makes no mention in his report of Officer Daugherty's unlawful misconduct Mr. McCray complained about. Chief Zibolski, Capt. Risse, Sgt. Gates, Officer Daugherty and the Beloit Police and Fire Commission members deprived McCray of his Fourteenth Amendment Liberty Interest of fair and just treatment under the law and deprived Mr. McCray of his due process right to be heard, enter evidence and call witnesses in a legal proceeding.

### **III. THE CITY OF BELOIT POLICE DEPARTMENT FALSE REPORTS WILL CAUSE UNFORSEEN HARM AND INJURY TO MCCRAY'S RIGHTS**

#### **TORTIOUS INTERFERENCE WITH MCCRAY'S ABILITY TO OBTAIN GAINFUL EMPLOYMENT AND PROFESSIONAL PURSUITS:**

¶ 39. Plaintiff Ronald McCray is a Professional Educator/Teacher by profession. These false, misleading, defamatory and unlawful City of Beloit police reports and false, misleading, defamatory and unlawful investigation reports will be permanently attached to, and attach a stigma of a criminal element

to McCray's employment application "Forever". Both federal and state law require that they be corrected according to the manner required by law, pursuant to Federal Stat. 42 U.S. Code § 1983; the United States Constitution Fourteenth Amendment; TITLE 18 U.S.C., Section 241; Wis. Stat. § 946.12(1)(3) and (4). Mr. McCray's employment application for any School District in Wisconsin must go through "WECAN": Wisconsin Education Career Access Network <https://www.waspa.org/wecan>. The WECAN website gives School District and employers the opportunity to "Screen Applicants". Mr. McCray explained this very clearly to Judge Kuglitsch, and served notice to the City of Beloit officials, agents and police Department employees in McCray's: "Plaintiff, Ronald McCray's Motion for Court to Reject and Deny Defendants' City of Beloit and Chief Zibolski's, et al."s Letter to Judge Kuglitsch and Proposed Order Denying Plaintiff's Motion for Rehearing of Case No. 18CV421, as Facially Unconstitutional Illegal, and Unenforceable of March 3, 2021. Judge Kuglitsch, acting in his official capacity, and acting under color of law, ignored McCray's Motion, and granted the Defendants Order of Dismissal, without a hearing, and allowed them to award themselves sanctions against McCray in violation of the very law they requested sanctions under Wis. stat. § 802.05 (See: #34th Statutory Provisions (continued)) at APP-198

¶ 40. The Defendants, Zibolski et al., and their Attorneys Kyle W. Engelke et al. did not state what violation of Wis. Stat. § 802.05(2) McCray is guilty of committing as stated in Plaintiff Ronald McCray's Motion for Rehearing of Case No. 18CV421 filed on December 10, 2020 (Amended February 15, 2021) to support their request for sanctions.



¶ 41. Judge Kuglitsch, acting in his official capacity and acting under color of law, did not state what violation of Wis. Stat. § 802.05(2); McCray is guilty of committing as McCray stated in his same Motion for Rehearing; to support imposing sanctions upon McCray pursuant to Wis. Stat. § 802.05(3) which states in pertinent part:

(3) Sanctions. If, after notice and a reasonable opportunity to respond, the court determines that sub. (2) has been violated, the court may impose an appropriate sanction upon the attorneys, law firms, or parties that have violated sub. (2) or are responsible for the violation in accordance with the following:

(a) How initiated.

1. 'By motion.' A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate sub. (2). The motion shall be served as provided in s. 801.14, but shall not be filed with or presented to the court unless, within 21 days after service of the motion or such other period as the court may prescribe, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected.

¶ 42. Please note: PL Exhibit #3, Officer Daugherty's Police Report BE1707394 (at APP-152), and PL Exhibit #2 Copy of Cad Call Notes (at APP-174). Cad Call Notes is a pseudo-name for the PremierOne Report. These two reports are required by law to be identical. Officer Daugherty stated in his Beloit Police Report he was not filing a report, then he secretly filed his City of Beloit Police Department

Incident Report as a copy of this report from another agency, which he participated in preparing, and then, withheld exculpatory evidence from both reports and tampered with and manipulated the PremiereOne Report to frame Mr. McCray affirming McCray made harassing phone calls during a fictitious, nonexistent event, without naming anyone who was harassed, and without naming any witnesses; during false impossible times of occurrence, violating Wis. Stat. § 946.72(1); depriving McCray of his right to due process, and causing injury to McCray's character. (See: The Procedural Complaint Report of March 26, 2017, pg. 7; at APP-164). It reads: Recipient, Ronald McCray; "Information Disseminated Copy of CAD CALL NOTES. This is false and a violation of Wis. Stat. 946.72(1) Tampering with Public Records. McCray received the PremierOne Report from the Rock County Communications Center on June 9, 2017. At the bottom of the PremierOne Report in the lower left-hand corner, the date stamp is 5/30/2017, which is the date McCray requested a copy of the 911 call recording. If the Beloit Police Department had given McCray a copy of this report, Jillian Peterson would have stated McCray received more than 4 pages in her public records request response letter of June 2, 2017, Exhibit #5 at APP-156.

¶ 43. Sergeant Gates also knowingly entered false statements in his Procedural Complaint Report Narrative, when he stated he entered information amending Officer Daugherty's report, he did not. On page one of the PremierOne Report it states the date the report was closed and last updated 2/23/2017 12:24:35 PM. The report states Officer Daugherty was the last person handling this report. He closed it. He had every opportunity to enter anything he

wanted into this report, (See: pg. 3; at APP-178-179). Officer Daugherty is identified by his Unit ID: /A303 (See Personnel Assigned at APP-177).

Officer Daugherty intentionally wrote a false, defamatory and malicious Beloit police report and did not identify himself as a person when he entered comments into it. He identified himself as a number A303 (See: PL Exhibit #3: Report BE1707394 pg. 2 ¶2; Reproduced at APP-154)

¶ 44. Judge Kuglitsch did not understand Officer Daugherty wrote the defamatory comments in his Beloit report, and Judge Kuglitsch did not know that Public Records Authorities must give a written determination to deny access to a record to properly inform a requestor of Mandamus (See: Transcript, 18CV421, of August 3, 2018, pg. 6, lines 1-25; pg. 7, lines 1-25), pg. 8, lines 1-25; pg. 9 lines 1-25; pg. 10, lines 1-25; pg.25 lines 1-25; pg. 28, lines 1-25; pg. 29, lines 1-25, and pg. 31, lines 1-25; at APP-47-APP-62). Judge Kuglitsch and Attorney Engelke barred any actions, claims and evidence for federal civil rights actions and claims occurring prior to May 31, 2017, and then moved the actions and claims that occurred after May 31, 2017 with a continuing limitations period of 6 years and 3 years out of their date of occurrence and into a date they did not occur where the limitations period had expired, according to § 893.80's 120 days limitation, violating the Precedent Rulings, and the established rules of law as stated herein and required by Wis. Stat. § 802.05(1)(2)(a)(b)(c)(d) and (2M) (See: #34th of Statutory Provisions (continued) at APP-198). Then Judge Kuglitsch ruled that Mr. McCray did not present any other evidence after he asked if he had anything else (See: Transcript

pgs. 49, 50, 53, 54, 55, and 56 lines 1-25 for all; at APP-62-APP-71).

¶ 45. Page 28, lines 21-23, and pg. 29, line 6-25; Judge Kuglitsch states the false Statement was not Officer Daugherty's. IT ABSOLUTELY WAS OFFICER DAUGHERTY'S FALSE STATEMENT (See: ¶43 above)

**¶ 46. Defamation Law of Wisconsin; James Patrick Brody:**

"Defamation need not be expressly stated in order for there to be liability." One may be libeled by implication and innuendo quite as easily as by direct affirmation. One accused of defamation cannot insist upon a literal reading or his understanding of the language<sup>1</sup>.<sup>35</sup> "Implication" is the understanding which a reader may receive from stated words. As indicated above, the implications must be reasonably drawn. "Innuendo," also used synonymously with "implication," had a different technical meaning in common law pleading of defamation. It was the explanation in a complaint of the defamatory meaning of a communication which is alleged to exist in view of facts not appearing on the face of the publication. The innuendo was accompanied by a statement of the explanatory facts called an "inducement".<sup>2</sup><sup>36</sup>

(See: Marquette Law Review; Volume 65; Issue 4 Summer 1982; Pg. 512, ¶2)

<sup>1</sup> 35. Frinzi v. Hanson, 30 Wis. 2d 271, 277, 140 N.W.2d 259, 262 (1966).

<sup>2</sup> 36. W. Prosser, supra note 2 at § 111.

¶ 47. Attorney Engelke, entered into evidence, and Judge Kuglitsch accepted and applied Jury instruction 2500 to dismiss McCray's claims of defamation without entering it into Court Record as an Exhibit, during the motion hearing of Case No. 18CV421 of August 3, 2018. Judge Kuglitsch did not provide McCray with a copy of this evidence to review. This describes exactly the impact Officer Daugherty's report has on Mr. McCray. The City of Beloit Officials, its Police Dept. employees, and the Judges ruling on this case do not understand a person does not have to be charged with a crime or wrongdoing as a prerequisite to defamation.

**Jury Instruction 2500 Defamation Elements:**

The elements of a common law action for defamation are:

- (1) a false statement;
- (2) communicated by speech, conduct or in writing to a person other than the one defamed; and
- (3) the communication is unprivileged and tends to harm one's reputation, lowering him or her in the estimation of the community or deterring third persons from associating or dealing with him or her.

¶ 48. McCray had no idea what "A303" meant until he received a copy of the PremierOne Report ("CAD" Call Notes) from the Rock County Communications Center on June 9, 2017. Mr. McCray connected the dots after he received the Procedural Complaint Report on June 12, 2017. The City of Beloit Police Chief Zibolski, Sgt. Gates, Cpt. Risse, and Officer Daugherty falsely stated that the Rock County Communications Center Operator entered the

comments into Officer Daugherty's Beloit Incident report. The Rock County Communications Center does not have anything to do with City of Beloit Police Reports. If those comments were from the Rock County Communications Center Operator, Officer Daugherty would have entered their identifying numbers or names that appear on the PremierOne report.

¶ 49. Once Mr. McCray revealed that he had a copy of the so-called CAD CALL Notes in another complaint he wrote to the Beloit City Council members on June 12, 2017, then Jillian Peterson and Chief Zibolski removed the reports she gave Mr. McCray and replace them with a single report, and then she referred to the reports for the first time as CAD reports, when she did not before, (See: PL Exhibit #7, Jillian Peterson's Answering Machine Message of June 22, 2017; Reproduced at APP-180) violating Wis. Stat. § 946.12(1)(2)(3) and (4); § 946.72(1) and § 19.35(1)(a);(4)(a) and (b). Depriving Mr. McCray of his right to access public records as required by law and due process of law.

¶ 50. This is a cause of action claim that occurred after May 31, 2017, that directly contradicts what the Wisconsin Court of Appeals, District IV wrote in its Unpublished Opinion and Order 2021AP693, of March 22, 2023. And then these Judges and individuals gave McCray, an Elder, 120 days to write, multiple letters of complaints, conduct an investigation himself to try and figure out what these individuals were doing behind closed doors and out of the public view, and be an expert at both federal and state law. McCray had to take a hiatus from building, and working in his business in order to fight and protect his Civil Rights.

¶ 51. Lastly, the Beloit Police Officers conducted an investigation about McCray making harassing phone calls to dental patients without checking McCray's phone records to see if these calls were actually made.

### CONCLUSION

For the foregoing reasons, the Court should Grant Certiorari.

Respectfully, and  
Respectively submitted:

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