

APP NO.

IN THE SUPREME COURT OF THE UNITED STATES

RYAN THORNTON,

Petitioner,

v.

STATE OF WISCONSIN,

Respondent.

On Petition For Writ Of Certiorari to the
Wisconsin Supreme Court.

**PETITIONER'S APPLICATION TO GRANT
LEAVE TO FILE PETITION FOR WRIT OF
CERTIORARI IN EXCESS OF THE WORD COUNT
LIMITS**

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Pro Se Petitioner

To the **Honorable Annette Ziegler**, as Chief Justice for the Wisconsin Supreme Court OR any United States Justice able to grant this relief.

Pursuant to this Court's Rule 33.1(d), Petitioner RYAN THORNTON respectfully requests that the court:

1. Grant leave to file his [Petition For Writ Of Certiorari] in excess of the 9,000 word limit [Rule 33.1(g)(i)]
 - a. Petitioner RYAN THORNTON anticipates needing between 9,000 and 18,000 words to adequately cover the issues being presented in booklet format.
 - b. The Petitioner is filing this Application more than fifteen days before his due date of January 14, 2024 (App227-229), per Rule 33.1(d).

The Wisconsin Supreme Court denied RYAN THORNTON's 5/12/2023 Petition For Review (App120-142) on August 17, 2023 (App145). This Court would have jurisdiction over the judgment under 28 U.S.C. 1254(1).

RYAN THORNTON is seeking an extension of time in reference to the order dated August 17, 2023 by the Wisconsin Supreme Court in case No. 2023AP000769-CR (App145).

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Statement of the Case

Issue #7 (Ineffective Assistance of Council) of his 5/12/2023 Petition For Review (App1477-1499) was denied in this August 17, 2023 Wisconsin Supreme Court Order. The State denying Issue #7 seems to be the State's only justification for denying his 5/12/2023 [Petition For Review] on August 17, 2023 (App145) and also rejecting to review his 2023AP769 7/22/2023 [Brief of Appellant] (App195-226).

The Court of Appeals is rejecting Jurisdiction of this Appeal, resulting from Misrepresentation by Attorney Justin Singleton:

After years of false promises, lies, and excuses (App146-177), on 1/9/2023 Attorney

Singleton first communicated he cannot file the Appeal of this 19CF397 Conviction and refunded RYAN THORNTON's \$6000 retainer (App161), which he was paid in full by 2/6/2020 (App3-10) to Commence the Appellate filing process immediately.

Apparently, the deadline to re-file the Notice of Appeal [that RYAN THORNTON filed from jail, pro-se on 12/9/2019 (App89) and Attorney Singleton had Voluntarily Dismissed on 12/26/2019 (App90-97) solely because Attorney Singleton communicated that he wanted more time to file this Appeal] was 2/13/2020 [20 days (per 809.30) from the 1/24/2020 Amended-JOC(App98-100)]. Attorney Singleton failed to re-file this Notice of Appeal by 2/13/2020 and failed to do essentially everything that he communicated to RYAN THORNTON he would be doing regarding this Appeal, after getting paid on 2/6/2020. It should also be noted that Attorney Singleton reviewed the 9/6/2019 Transcript on 12/11/2019 (App6-8) and it was 100% clear that there was at least one issue (PetitionForReview/BriefOfAppellant- Issue #1) that had very strong merit for appeal, but instead he has RYAN THORNTON's 12/9/2019 Pro Se NOA (App89) Voluntarily Dismissed on 12/26/2019 (App90-97)!

Initially assuming there is at least a minimum level of Professionalism required here in Wisconsin, RYAN THORNTON assumed that Attorney Singleton would file a Statement to explain why Attorney Singleton failed to file this Appeal, despite clearly communicating to RYAN THORNTON [from 12/11/2019 to 1/9/2023 See- 11/5/2023 [Brief of Appellant] (App265-306)] that he would be. The state of WI apparently

encourages fraudulent attorney representation situations that cause Appellants to be scammed out of their Appellate rights, because this is exactly what Attorney Singleton did.

Not knowing what to do about this situation that Singleton put him in, on 3/24/2023, RYAN THORNTON filed [Motion For Abeyance On Filing Appeals] (App105-106) and received 3/24/2023 Appeals Order (App107).

On 4/6/2023, RYAN THORNTON filed [Motion For Reconsideration] (App108-118) after meeting with Attorney Singleton on 3/31/2023 and being handed what Singleton had prepared and recommended he file (App112-118), which included many fictitious statements (See **III.14.-15.** of 10/11/2023 [Petition For Review] App250-256) implying that Attorney Singleton was never responsible for filing this Appeal. This received the 4/13/2023 Appeals Order (App119) that caused RYAN THORNTON to file this 5/12/2023 Petition For Review (App120-142) with the WI Supreme Court.

Brief Summary of Current Wisconsin Court Proceedings:

*On 7/21/2023, RYAN THORNTON filed 2023AP769 : [Motion To Add To The Record On Appeal- In Response To the 7/20/2023 Order] (App184-194)

*On 7/22/2023, RYAN THORNTON filed [Brief of Appellant] (App195-226) and on 7/28/2023 received this Court of Appeals Order (App144), which impelled the Order dated August 17, 2023 by the Wisconsin Supreme Court in case No. 2023AP000769-CR

(App145). The Wisconsin Court of Appeals rejects reviewing the 7/22/2023 [Brief of Appellant] on 8/22/2023 (App178-180).

*On 8/30/2023 RYAN THORNTON gave Notice of Appeal of these 19CF397 items, creating 2023AP1596:

1. Document 203: Court Orders and Assumption Of Facts, related to Ineffective Assistance of Post-Conviction/Appellate Council, Singleton (who was Retained for purposes of filing appeal to Document 96&110 thru 1/9/2023), filed 7/20/2023 (App181-183)
2. Document 96: Judgment of Conviction, filed 11/26/2019 (App86-88) and Document 110: Judgment of Conviction- Corrected, filed 1/24/2020 (App98-100)
3. Document 199: which relates to the prospective Jurors selected to participate in the Voire Dire on 9/11/2019, filed 6/28/2023
4. Issues 1-7, as stated in his 2023AP769 [Brief of Appellant], filed 7/22/2023 (195-226) and [Petition For Review], filed 5/12/2023 (App120-142).

*On 9/10/2023, RYAN THORNTON files [Motion For Reconsideration] (App146-226) in response to the 8/22/2023 WI Court of Appeals Order (App178-180) and receives the 9/13/2023 WI Court of Appeals Order (App227).

*On 10/11/2023, RYAN THORNTON files [Petition For Review] (App1650-1682) in response to the 9/13/2023 WI Court of Appeals Order (App227) and

receives this Non-Response Order from the WI Supreme Court (App264).

*On 11/5/2023, RYAN THORNTON files 2023AP1596 [Brief of Appellant] (App265-306).

Background

The Incident 2/7/2018

On or around 2/7/2018, this incident happened at roughly 1 AM.

The alleged victim, RYAN THORNTON's girlfriend at the time, who had been living at his house since almost 4 years prior, had come home after working a long shift at the hospital. The alleged victim was emotional and upset with RYAN THORNTON for some relationship flaws mostly related to RYAN THORNTON not putting in enough effort in and also not ever going to her family outings. RYAN THORNTON said something to her that night about her being "a maggot just like her brother living at her mom's house," for her not contributing with helping do anything and relying on RYAN THORNTON too much with their living situation.

The alleged victim became very confrontational when RYAN THORNTON came to sleep (after working in his garage for too long after she came home, further upsetting the alleged victim) in the bed that they shared and ended up shoving RYAN THORNTON so hard that he ended up hitting the

back of his on the corner edge of the closet drywall in his room. RYAN THORNTON felt the back of his head swelling right away, so he went downstairs and got an icepack out of his freezer. RYAN THORNTON returned upstairs with his ice pack, trying to go to bed and the alleged victim was so upset with him that she chased him around while screaming for roughly 15 minutes and would dig her nails in his forearms and kick him in his shins whenever she got close enough to do so.

After about 15 minutes of that, the alleged victim cornered RYAN THORNTON in his upstairs bathroom, with the back of his head facing the hard places and sharp drywall edges in this picture (App2). At this point, RYAN THORNTON's forearms were bleeding pretty bad and the alleged victim kept viciously digging her nails in his forearms, since she was so close to him, to the point where RYAN THORNTON was almost paralyzed from the pain of her clenching her nails in his skin and it was reasonably possible that he could easily be pushed backwards and hit the back of his head again, which was already swollen. He instinctively got behind her while bringing her to the floor and squeezed her tight for a few seconds to get her to stop attacking him. Then he held her there for a few minutes until she calmed down and stopped hyperventilating so much (which was due to her being so emotionally charged and winded from the amount of effort she put into attacking him). For the next half hour or so, the alleged victim was still hyperventilating and upset with

RYAN THORNTON, but no longer confrontational.

Brief Summary of After The Incident

19CF397 began 5/1/2018 as a Disorderly Conduct, Domestic Abuse charge (18CM830; with a date of offense of 2/7/2018 that was reported to police on 4/9/2018) that was filed after a Harassment Restraining Order (18CV138) hearing on 4/30/2018. After RYAN THORNTON fired his 18CM830&18CV138 attorney, Mark Richards [mostly for trying to help the court cancel his 18CV138 Restraining Order DeNovo Hearings (“I am going to ask for an adjournment of the De Novo hearing tomorrow for a later date.” email) then telling him he won’t have his Mother as a witness, to testify to his injuries, at the 18CM830 trial that was scheduled on 2/21/2019], explained that he wanted to continue Pro Se, filed a McMorris Motion on 1/24/2019 (App11-14), which Honorable Timothy Boyle explained (“Okay, and so this is proper and what you're doing now is putting the state on notice that you're making a self-defense argument, okay.”) and the state accepted (App25-26), and Motion to Dismiss 18CM830 (pointing out how the alleged victim was obviously lying about literally everything in their records), the state decided to “Reissue” this case as 19CF397 on 3/28/2019 with both Felony Strangulation and Disorderly Conduct as the alleged charges. 19CF397 is now presided by Honorable Faye Flancher, who rejects the same exact McMorris Motion (App32-35), saying this is “Not a Self-Defense Case” (App60-61).

The 19CF397 trial took place on 9/11/2019, where RYAN THORNTON was convicted of both of the alleged charges (“Judgment of Conviction” App86-88), without the Jury given an Instruction for Self-Defense (App69-83), in addition to Issues #2-6. The Jury was not instructed to evaluate the Wisconsin Statute regarding the privilege of self-defense and given the Jury Indicated that they indicated that they were Not Unanimous at 2:25PM (App84-85), this Juror Instruction very likely could have altered their Final Verdict.

So in November 2019, RYAN THORNTON hired Attorney Justin Singleton for his Sentencing Hearing initially, then to Appeal this conviction because he always seemed very promising, up until 1/9/2023. He said that he had the highest LSAT score in his class at Marquette, which is believable because he is a very sharp lawyer, especially in person. From 12/11/2019 to 1/9/2023, RYAN THORNTON has been waiting on Attorney Justin Singleton to file an Appeal of this conviction [See [Petition For Review], filed 10/11/2023 (App231-263)], but Attorney Justin Singleton has lied to RYAN (See **III.** of 10/11/2023 [Petition For Review] App234-256) about actually filing this Appeal and is currently making statements that imply he was never even responsible for filing this Appeal, and alleges some FICTITIOUS Public Defender situation caused RYAN’s Direct Appellate Right to expire (See **III.14.-15.** of 10/11/2023 [Petition For Review] App250-256).

When RYAN THORNTON came to Attorney Justin Singleton's office, to talk about Singleton (finally) filing this Appeal, on 1/9/2023, Attorney Justin Singleton had refunded \$6000 (App161) to Ryan Thornton saying that he has Cancer and cannot file this Appeal now that he has Cancer.

**Reasons For Granting Leave To File
[Petition For Writ Of Certiorari] In
Excess Of The Word Limits**

It should be allowed that RYAN THORNTON's [Petition For Writ Of Certiorari] be Filed in Excess of the Word Limits for the following reasons:

1. This is deliberately Un-American what Attorney Justin Singleton and the State of Wisconsin are attempting to do with this Appeal. The State of Wisconsin is attempting to just not have to review the details of what Attorney Justin Singleton did. See [Petition For Review] filed 10/11/2023 (App231-263)
 - A. There is a lot of detail required to fully understand how Attorney Justin Singleton deliberately aided the State of Wisconsin in attempting to prevent RYAN THORNTON's 2019CF397 Direct Appellate Rights.
 - i. There are several things that Attorney Justin Singleton did or didn't do, but it doesn't become clear that Attorney Justin Singleton's representation was very foul until every detail is collectively

considered.

2. RYAN THORNTON's [Petition For Writ Of Certiorari] needs to be thorough for him to adequately defend himself against:

- A. The State of WI attempting to falsify facts such as stating: "All motions and open records requests filed in the circuit court since December 2019 have been filed by Mr. Thornton, pro-se. It appears that by October of 2021, Mr. Thornton was representing himself in the appeal as well." (See **IV.-V.** of 10/11/2023 [Petition For Review] App256-260)
- B. Attorney Justin Singleton attempting to falsify facts (See **III.14.-15.** Of 10/11/2023 [Petition For Review] App250-256)
- C. Case law stated by the State [State v. Quackenbush, 2005 WI App 2, ¶11,278 Wis. 2d 611, 692 N.W.2d 340] (App119) requires a substantial amount of information in proving his case (thus requiring a robust rebuttal to the accusations of the state), due to Attorney Singleton delaying this Appeal for years.

3. Well before Attorney Justin Singleton was retained, the Circuit Court literally cheated on everything they possibly could and therefore thoroughly explaining Issues #1-#6 is voluminous.

- A. With a court system that obviously embraces unprofessional conduct (likely due to there being no real repercussions for violating the rights of a

criminal defendant), how can there now be a restriction limiting the amount of detail (word count) that defendant is allowed to present regarding how his Constitutional Rights have been violated?

- i. There literally should be professional standards in place and lack there-of has caused RYAN THORNTON to need more words

4. All Issues #1-#7 are contained in his 10/11/2023 [Petition For Review] (App231-263), but due to the word count limit it predominately focuses on Issue #7 (Ineffective Assistance of Council) only. Issues #1-#6 are not adequately discussed in his 10/11/2023 [Petition For Review].

A. Issues #1-#6 are adequately discussed in his 7/22/2023 [Brief of Appellant]

B. Therefore it would only be fair to allow RYAN THORNTON to have at least as many pages as his 10/11/2023 [Petition For Review] (App231-263) plus his 7/22/2023 [Brief of Appellant] (App195-226)

- i. 10/11/2023 [Petition For Review] = **7,838 words** counted per US Supreme Court Rule 33.1(d)
- ii. 7/22/2023 [Brief of Appellant] = **7,531 words** counted per US Supreme Court Rule 33.1(d)

5. Supreme Court Rule 14.2 states “All contentions in support of a petition for a writ of certiorari shall be set out in the body of the petition, as provided in subparagraph 1(h) of

this Rule. No separate brief in support of a petition for a writ of certiorari may be filed, and the Clerk will not file any petition for a writ of certiorari to which any supporting brief is annexed or appended.”

Conclusion

For the foregoing reasons, the Petitioner respectfully requests that the court:

1. Grant leave to file his [Petition For Writ Of Certiorari] in excess of the 9,000 word limit [Rule 33.1(g)(i)]

Respectfully submitted.

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11/16/2023

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