

NO. 24-5321

RFB



IN THE
Supreme Court of the United States

Terry Peterson - Pro Se Petitioner

VS

Wisconsin

On Petition for Writ of Certiorari

PETITION FOR REHEARING

Pro Se Petitioner
Terry Peterson
2213 S. Pine St
Janesville, WI 53546

Table of Authorities

Cases

State V. Deleon, 127 Wis. 2d 74, 377 (1985)

State V Myers, 815 P.2d 761 (1991)

State V Perry Wis 2d92, 401 N.W. 2d 748 (1987)

State V Rauflik, 2001 WI 129 248 Wis

Petition For Rehearing

Pursuant to Supreme Court Rule 44, Petitioner (Peterson) pro se and in Forma Pauperis respectfully and humble petitions this Court for rehearing of its October 7 2024 denial to my Petition for Writ of Certiorari:

Reasons For Granting the petition

I feel this is a easy case to grant my petition for rehearing, the main thing is. This case wasn't even filed (the body cam audio) with the Clerks Office in the 5 days that is required by law. It didn't get filed until, all most 2 1/2 years later

Another reason is, you can't hear the Judge while he was talking with the officer, without that, I could never properly appeal, besides, the Judge never recorded the phone call on his end.

This case should be heard, because this case should be sent back to the lower court.

Wis Stat 968.12(3)(d) = recording

Wis Stat 968.17(2) = must be filed in 5 days

These are Wis Stats
that clearly were not
followed. There was never
a transcript written from the
recording, and nothing was
ever filed in the 5 days that
it was supposed to be with the
clerk, until, almost 2½ years later.
Please take a look at this and send
this back to the lower court

oral testimony shall be based on the same kind of evidence as is sufficient for a warrant upon affidavit.

Recording and certification of testimony. When a caller informs the judge that the purpose of the call is to request a warrant, the judge shall place under oath each person whose testimony forms a basis of the application and each person applying for the warrant. The judge or requesting person shall arrange for all sworn testimony to be recorded either by a court reporter or by means of a voice recording device. The judge shall have the record transcribed. The transcript, certified as accurate by the judge or reporter, as appropriate, shall be filed with the court.

clerk shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the search warrant.

- !) An affidavit or complaint made in support of the issuance of the warrant and the transcript of any testimony taken shall be filed with the clerk within 5 days after the date of the execution of any search warrant.

History: 1971 c. 298.

In computing the time within which a search warrant must be returned, the court may exclude the hours between 4:30 p.m. Friday and 8 a.m. Monday. Such a delay would not affect the validity of the search. *State v. Meier*, 60 Wis. 2d 452, 210 N.W.2d 685 (1973).

The trial court erred in suppressing controlled substances and associated paraphernalia seized pursuant to a search warrant on the ground that a transcript of testimony upon which the warrant was based was not filed within five days of its execution as required by

I respectfully ask this Court
To please, just take a look at my case.

Thank you

Terry Peterson, Jr.

10-30-2024

Certificate of Counsel

As pro se for myself, I hereby certify that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.6.

Terry Peterson, Jr
Terry Peterson, Jr