ORIGINAL

24-6900

No. 25-_____

SUPREME COURT OF THE UNITED STATES

Robert E. Hammersley,

Petitioner,

v.

State of Wisconsin,
Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Wisconsin

PETITION FOR WRIT OF CERTIORARI

Robert E. Hammersley
Petitioner *Pro Se*
309 Bayside Road
Little Suamico, WI 54141

QUESTIONS FOR REVIEW

I. IS REVIEW WARRANTED ON THE QUESTION WHETHER A PARTY IN THE COURT OF APPEALS IS REQUIRED TO INDEPENDENTLY SUBMIT DOCUMENTS RELEVANT TO THAT APPEAL AS PART OF THE RECORD WHEN SAID DOCUMENTS ARE INCLUDED IN THE APPENDIX TO THE PARTY'S BRIEF?

II. IS REVIEW WARRANTED ON THE QUESTION WHETHER PETITIONER'S CLAIMS WERE PROCEDURALLY BARRED IN THE CIRCUIT COURT?

III. IS REVIEW WARRANTED ON THE QUESTION WHETHER CIRCUIT COURT AND/OR WISCONSIN APPELLATE COURTS ARE PREJUDICIALLY BARRING MERITORIOUS PETITIONS TO INVESTIGATE AND/OR OVERTURN SERIOUS *MISCARRIAGES OF JUSTICE* CREATING A *CAMPAIGN OF HARASSMENT*?

IV. IS REVIEW WARRANTED ON THE QUESTION WHETHER CIRCUIT COURT AND/OR WISCONSIN APPELLATE COURTS ARE INCOMPETENTLY AND/OR PREJUDICIALLY NOT HEARING MERITORIOUS PETITIONS TO INVESTIGATE AND OVERTURN SERIOUS *MISCARRIAGES OF JUSTICE* THUSLY MAINTAINING A *CAMPAIGN OF HARASSMENT*?

LIST OF PARTIES

All parties to the instant action are named in the caption of the case.

TABLE OF CONTENTS

PAGE

CASES CITED

WISCONSIN CASELAW

U.S. SUPREME COURT CASELAW

WISCONSIN STATUTES

WISCONSIN CONSTITUTION

UNITED STATES CONSTITUTION

UNITED STATES STATUTES AND RULES

PAGE

INTERNATIONAL TREATIES / DOCTRINES

LAW REVIEW AND/OR OPINIONS

REFERENCE TO OPINIONS BELOW:

STATEMENT OF JURISDICTION CRITERIA FOR REVIEW

Comes now Robert Hammersley, appearing pro-se, pursuant to the U.S. Const. 1st, 4th, 5th, 6th, 8th, 11th, 13th and 14th Amendments; Wis. Const. Articles I § I, 4, 7, 8, 9, 9m, 11, 12, 22; VII § 2, 5; XIII § 4; and XIV § 13; Wis. Stats § 775.05, 782, 783, 901.03, 902.01, 906.11, 939.10, 939.46, 939.47, 949.04, 950.03, 950.04, 950.06, 950.07 950.09, 950.105, 939.645, 939.74(2)(a)1-2, 971.31, 974.06, alongside the fact that the Brown County Court lacked all jurisdiction over Hammersley 1998-1999, With also, being that Hammersley cannot pursue any postconviction relief under the retrospective *ex post facto* designation affixed to the Implied Consent and the PAC .02 restriction laws; With judicial notice, previously requested on 4-21-2020, 8-19-2020 and 12-2-2020 under Wis. Stat. § 901.03, 902.01, 906.11, 968.26 and/or any other Statutory equivalencies to authorities Fed. Rules 8, 52, 82, 103, 201, 803 US SCR 10(c), 28 U.S.C. § 1331 (Federal question), 28 U.S.C. § 1651(a), 18 U.S.C. § 113B, 18 U.S.C. § 249, 18 U.S.C. § 1201, 18 U.S.C. § 2332b(g)(5)(B) and 18 U.S.C. § 3286(b). Also, international laws: 1994 CAT Treaty, Law of Nations Doctrine, 1978 Mexico Extradition Treaty, 1997 Charters of the Organization of American States.

The instant appeal challenges the Wisconsin supreme court's decision, on August 2, 2024 (*see* Appx. 114) affirming the Order of the lower courts including Brown County Circuit Court, Hon. Beau Liegeois presiding, in which the Circuit Court denied petitioner's motions for a *John Doe* hearing (Appx. 110-111) and the Order denying reconsideration of that Order (Appx. 112-113) and the Circuit Court's failure to take action on petitioner's 974.06/*coram nobis* petition. The Court of

Appeals held that the merits of petitioner's claims were procedurally barred (Appx. 102), and that petitioner had failed to supply the Court with documents necessary for consideration of his claims (Appx. 103). That Court also imposed sanctions against petitioner for "***abusing the appellate process***" (Appx. 108-109). The Court of Appeals also set forth adequate facts in its 1-4-2024 Order (Appx. 102-105).

All of the issues presented herein involve the state and federal constitutional right to *due process of law*, particularly the rights of *pro se* litigants, victims and the wrongfully convicted. These issues therefore still satisfy the criteria for review under Wis. Stat. § 809.62(1r)(a) and warrant the Court's attention. There are no time-limits to investigate the ***terrorism*** perpetrated on Hammersley, a domestic American, by foreign nationals on American soil, with attempted murder and a completed kidnapping, in violation of 18 U.S.C. § 113B. IN-BEING: Under 18 U.S.C. § 3286(b). No Limitation of statute of limitations for offenses listed in section 2332b(g)(5)(B). The issues presented in the instant matter are also novel questions of law, the resolution of which by the Court will provide needed guidance to the lower courts and litigants alike. These issues therefore also satisfy the criteria for review under Wis. Stats. § 809.62(lr)(c)2, 901.03, 902.01, 939.645(3), 968.26, 972.085, 974.06/***CORAM-NOBIS***, U.S. SCR 10(c), 28 U.S.C. § 1331 (Federal question) and All Writs Statute, 1651(a). The reiterated, and again unheard Judicial Notice requests in the appellate brief pages 8-16 (*see* Appx. 115-123) that were primarily based on the admitted facts in the newly transcribed/discovered 1999 sentencing transcripts (*see* Appx. 124-137).

CONCISE STATEMENT OF THE CASE

The supreme court of Wisconsin affirmed the lower Wisconsin courts' decisions, on August 2, 2024 (*see* Appx. 114), by basically stating – in-betwixt the lines: "***Mind your own damn business***" (*citing* Minnesota Governor T. Walz, Aug. 7, 2024) that the Brown County Circuit court assisted two Mexican nationals to terrorize Hammersley with the 1998 violent completed instore kidnapping stemming from a 15mile hit-and-chase with the attempted roadside murder and continuous wayside terrorism.

Thusly, on September 19, 1998, for casefile 1998CT1403, Brown County deputy Haney colluded with two Mexican Nationals to hide evidence of an actual kidnapping with an attempted roadside murder along-with terrorism; FROM-WHICH: Then, Green Bay policeman, officer Reetz took over the investigation by colluding with deputy Haney and the two Mexican Nationals to hide evidence of an actual kidnapping with an attempted murder and terrorism; INTO-WHICH: The victim's defense lawyer, attorney Howe then colluded with Green Bay policeman officer Reetz, deputy Haney and the two Mexican Nationals to hide evidence of an actual kidnapping with an attempted murder and terrorism; TO-WIT: Green Bay policeman, officer Reetz, falsified another police report 7-years later by prefabricating more crimes versus Hammersley in casefile 2005CF361.

BACKGROUND / SUMMARY OF OPINION

Hammersley appealed an unrelated *john doe* proceeding denial in 2011 - Hammersley v. Peterson, Appeal No. 2012AP897; Court of Appeals District III. The court denied Hammersley stating that *John Doe* denials are not APPEALABLE. This

reasons with the appellate court's opinion that *john doe* denials are simply added to the overall postconviction motioning with the reasoning of "***A john doe request is reviewable by writ and not by notice of appeal***," under State ex rel. Reimann v. Circuit Court, 214 Wis. 2d 605, 625-26, 571 N.W.2d 385 (1997). THE APPEALS COURT, IN 2011, RULED *JOHN DOE* INVESTIGATION DENIALS ARE NOT APPEALABLE – NOW ALL OF A SUDDEN, THEY ARE? THESE COURTS KEEP "*MOVING THE GOALPOSTS*". As this 1998-1999 *miscarriage of justice* REMAINS IN USE PREFORMULATING THE DISCRIMINATORY *EX POST FACTO* Wis. Stat. § 346.63(1)(b) - 0.02 PAC OWI CRIME BASED ON THESE 1999 WRONGFUL CONVICTIONS - ESTABLISHING ITS' USAGE FOR PROVING GUILT AND LOWERING EVIDENTIARY THRESHOLDS IN HAMMERSLEY'S *ACT OF ATTAINDER* .02 PAC OWI CONVICTION BY JURY IN 2008CF1114 AND CURRENTLY USED IN PENDING *ACT OF ATTAINDER* .02 PAC OWI CHARGES UNDER 2018CF407. THESE UNCONSTITUTIONAL *ACTS OF ATTAINDER* ARE BEING SUSTAINED THROUGH INCONSISTENT COURT RULINGS. EVEN JUDGE LIEGEOIS' *CLEARLY ERRONEOUSLY* RULED THAT HAMMERSLEY CAN SIMPLY APPEAL HIS *JOHN DOE* DENIALS (in the reconsideration ruling) – BEFORE NEVER RULING ON THE *STILL* UNHEARD DECEMBER 2020 - Wis. Stat. § 974.06 / *CORAM NOBIS* POSTCONVICTION SUBMISSION ALONG WITH UNHEARD JUDICIAL NOTICE REQUESTS.

REASONS FOR GRANTING THE WRIT

I. REVIEW IS WARRANTED ON THE QUESTION WHETHER A PARTY IN THE COURT OF APPEALS IS REQUIRED TO INDEPENDENTLY SUBMIT DOCUMENTS RELEVANT TO THAT APPEAL AS PART OF THE RECORD WHEN SAID DOCUMENTS ARE INCLUDED IN THE APPENDIX TO THE PARTY'S BRIEF.

This issue was not presented in the circuit court nor the Court of Appeals, as the issue was created *sua sponte* by the ruling of the Court of Appeals in this matter.

In being contrary of the appellate denials, Hammersley has provided the appellate court with the 2013 order denying his petition - THIS IS PART OF THE CIRCUIT COURT'S RECORD OF DOCUMENTS *see* circuit court record document numbers: #2 and #12 Appendix pages 118-121 for the 11/21/2013 *John Joe* Denial by hon. Kelley (*who until recently was the judge in pending casefile 2018CF407, and was replaced by judge Atkinson for one hearing (its Judge Wagner now), who did nothing in the 1998 case but pronounce guilt on the actual victim of capital crimes*).

> *Citing* page 15 of the August 12, 2020 *john doe* reconsideration (Record Document (DOC - from henceforth) NO. #7): "... ***There are*** [clear indications to] ***suggest***... [that] ***in the Government's*** [decisions] ***that the facts that justify coram nobis*** [postconviction investigations and judicial notice requests] ***procedure***[s] ***must have been unknown to the*** [Brown County Court] ***judge***. ***Since*** [Hammersley]***'s*** [alcohol consumption,] ***youth***[,] [the police investigation,] ***and lack of*** [effective assistance of] ***counsel were so known***, ***it*** [wa]***s argued***, ***the remedy of*** [a *john doe* investigation to investigate the investigators and/or] ***coram nobis*** [wa]***s unavailable***," *see* note 21, supra, *citing* United States v. Morgan, 346 US 502 (1954), at 512. AS: In his 2013 ruling, hon. judge Kelley stated: "***Clearly, the Green Bay Police Department already investigated the events of September 19, 1998 for which Hammersley now requests investigation***. *He told police on that date that he had been chased and that a tire iron had been thrown through is car window, as he now asserts in his complaint as the basis for his claim of attempted homicide.* ***The police clearly determined that his statement did not have validity*** *given the circumstances and their observations and conversations with*

> *Hammersley—**who was quite intoxicated** and concerned about being arrested—and the driver of the other vehicle involved. In turn, the Brown County District Attorney's Office reviewed the report of Officer Reetz and, ultimately, decided it was appropriate to file charges against Hammersley. **The Court defers to the analysis of the police and the district attorney done at the time of the incident. It would be inappropriate for the Court to send this case back to the district attorney now to, essentially, reinvestigate an alleged crime 15 years after the fact** when those in the best position to analyze the circumstances already did so immediately and shortly after the alleged incident. CONCLUSION & ORDER: Based upon the foregoing, it is hereby ORDERED that Hammersley's John Doe complaint is DISMISSED."*

In discussing the procedural history of the instant matter, the Court of Appeals stated that Hammersley has not provided the appellate court with his original *John Doe* petition or the 2013 order denying his petition:

> "... ***We note that "[i]t is the appellant's responsibility to ensure completion of the appellate record and 'when an appellate record is incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the ... court's ruling.***" State v. McAttee, 2001 W1 App 262,]5, n.l, 248 Wis.2d 865, 637 N.W.2d 774 (citation omitted). (Appx. 103).

Whilst Hammersley acknowledges this rule of appellate procedure, he submits that he did, in fact, provide the Court of Appeals with the noted documents, in his Appendix to his brief-in-chief. Given his *pro se* status in the relevant previous matters and the instant appeal, Hammersley submits that this inclusion of the documents in his Appendix should suffice to satisfy the spirit, if not the letter, of the rule quoted in McAttee. It is beyond dispute that *pro se* filings are to be liberally construed, in accordance with the rights of all litigants under the state and federal constitutions. Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594 (1972). Hammersley submits that since he did, in fact, submit the documents mentioned by the Court of Appeals in his

Appendix, that Court's literal adherence to the rule cited in McAttee put form over substance and violated his *due process rights*. Wis. Stat. § 809.62(1r)(a). Petitioner has not found any case decided by the Wisconsin Courts that addresses this precise issue, rendering it ripe for decision by the respective Court to provide guidance to the lower courts and litigants alike. Wis. Stat. § 809.62(1r)(c)3.

II. REVIEW IS WARRANTED ON THE QUESTION WHETHER PETITIONER'S CLAIMS WERE PROCEDURALLY BARRED IN THE CIRCUIT COURT.

Hammersley INDEED identified clearly admitted facts that would demonstrate that the 1998-1999 circuit court led by hon William Atkinson violated a plain legal duty by sentencing the actual victim of capital crimes in 1999 and again when hon Kendall Kelley denied the 2013 petition for investigation. TO-WIT: Being that the 1999 sentencing transcripts (*newly transcribed*) do, in-fact, provide another substantial basis for an investigation of the investigators and the ineffective defense attorney; BASELY: Based on all of the REQUESTED BUT UNNOTICED judicial admissions documented in the 1999 sentencing transcripts.

The instant appeal involves the denial of a motion by a *pro se* litigant for a *John Doe* investigation by the circuit court (Appx.110-111), the denial of reconsideration of that denial (Appx. 112-113), and the circuit court's failure to address a *pro se* litigant's petition for *coram nobis*/Judicial Notice. The circuit court and Court of Appeals found petitioner's claims to be "***procedurally barred***" (Appx. 102). Petitioner submits that he has not found any other caselaw holding the procedural bar rules to *John Doe* requests or not ruling on rightfully submitted *coram nobis* and/or Judicial Notice petitions. This issue therefore satisfies the criteria for

review under Wis. Stat. § 809.62(1r)(c)2 and 3. Hammersley submits that the liberal construction doctrine concerning the filings of *pro se* litigants requires the lower courts to find a way to address the issues presented on their merits, rather than apply technical or procedural rules to bar such consideration. This issue clearly implicates Hammersley's right to *due process of law*, satisfying the criteria for review under Wis. Stat. § 809.62(1r)(a). Review is warranted on this issue.

III. REVIEW IS WARRANTED ON THE QUESTION WHETHER CIRCUIT COURT AND/OR WISCONSIN APPELLATE COURTS ARE PREJUDICIALLY BARRING MERITORIOUS PETITIONS TO INVESTIGATE AND/OR OVERTURN SERIOUS *MISCARRIAGES OF JUSTICE* CREATING A *CAMPAIGN OF HARASSMENT.*

These Wisconsin courts, in fact, have run afoul of duty by moving to bar a victim's access to the courts. Hammersley who is *still* suffering criminal collateral consequences whilst the actual victim of capital crimes, indeed has presented structural errors as new grounds, alongside multiple actual innocence grounds and factual innocence grounds. The Wisconsin courts have created a *campaign of harassment;* FROM-WHICH: Now, they are playing very dirty by imposing sanctions.

What good, would doing anything now, do? Just like in 1998-1999, 2013 and/or right-now, Hammersley "***would like to know what the hell happened***" (*Quoting deputy Wagner in open casefile 2018CF407 before his timed-out clearly erroneous traffic citations and completely discriminatory 2018 PAC .02 spot-check and warrantless arrest*). That, that 1998 night there was an attempt to surrender and not return evil for evil. The breath tests are not documented by undocumented deputy Haney (*both of the Mexican citizens were drinking and the one with less to drink was driving according to what undocumented deputy Haney told Hammersley*) and the

driving event was over three hours before the compelled warrantless blood draw under statutory criminal OWI penalties for refusal; TO-WIT: Hammersley's BAC level could not be used as *prima facie* evidence then by the factfinder, nor could it be incorporated into the convictional instruments without statutorily required expert witness testimony under Wis. Stat. § 885 – it is unknown if Hammersley was in absorption and/or elimination at the time of the unreportable collision. Hammersley had the right to drive (*even while intoxicated - because the Mexican citizens did show murderous intent by throwing a four-prong tire-iron vehicle to vehicle while driving*), Hammersley did not hit the Mexican citizens' car, Hammersley chose not to try running the Mexicans (*with green cards according to what undocumented deputy Haney told Hammersley*) off the road like they repeatedly did to him, and Hammersley chose not to throw the Mexicans' tire-iron back at them while driving safely alongside the terrorism and roadside mayhem committed against him.

This bad behavior by the law enforcement went unchecked, stays uncorrected and continues to happen. Officer Reetz lied again in his 2005 arrest of Hammersley in casefile 2005CF361. Also, at the 2018 arrest there is undocumented deputy MILKS and during the presentenced bail period in 2018 - another undocumented Brown County deputy went to Hammersley's residence and personally modified his bail conditions without the presiding Judge's (*hon. Kelley, the same judge who denied the 2013 john doe was handling the open case with the multiple instances of undocumented deputies*) permission and/or knowledge. The County Sheriff's deputies are actually bailiffs/officers of the Brown County court.

IV. REVIEW IS WARRANTED ON THE QUESTION WHETHER CIRCUIT COURT AND/OR WISCONSIN APPELLATE COURTS ARE INCOMPETENTLY AND/OR PREJUDICIALLY NOT HEARING MERITORIOUS PETITIONS TO INVESTIGATE AND OVERTURN SERIOUS *MISCARRIAGES OF JUSTICE* THUSLY MAINTAINING A *CAMPAIGN OF HARASSMENT.*

It is just reprehensible how these 1999 wrongful convictions' *miscarriage of justice* remains untouched, uninvestigated and all of the newly discovered factually admitted judicial admissions remain unnoticed by any of Wisconsin's judicial officials.

With respect to Hammersley's request for any kind of investigation and/or postconviction/presentence relief pursuant to Wis. Stats. § 901.03, 902.01, 939.645(3), 968.26, 972.085, 974.06/*CORAM-NOBIS*, and/or All Writs Statute 28 U.S.C. § 1651(a), that these statutes permit defendants to bring jurisdictional or constitutional challenges to their sentences after the time for filing an appeal or postconviction motion has otherwise expired. Wis. Stat. § 974,06(1). However, to bring a motion under § 974.06, a defendant must be "***a prisoner in custody under sentence of a court***," and must be "***claiming the right to be released upon the ground that the sentence was imposed***' in violation of a constitutional or jurisdictional provision or is otherwise subject to collateral attack. Sec, 974.06(1). Thusly, a defendant who like Hammersley, is the ward of Brown County Court serving a presentence going on 7-years of bail bracelet custody with over $36,000 in paid bracelet charges/related costs, is colorably in custody based on the lowered elementary thresholds with lessened burdens of proof CLEARLY does satisfy the in custody requirement with actual present and past *ex post facto* .02 PAC criminal consequences stemming from these 1999 wrongful convictions of the actual victim

and may bring a postconviction motion under Wis. Stats. § 901.03, 902.01, 939.645(3), 968.26, 972.085, 974.06/*CORAM-NOBIS*, and/or All Writs Statute, 28 U.S.C. § 1651(a), cf. Jesseit v. State, 95 Wis. 2d 207, 211,290 N.W.2d 685 (1980).

> *Citing* page 253 of the unheard December 2, 2020 974.06/*coram nobis* (Record DOC NO. #12): "... IN CUSTODY CASE NO. 18CF407...FACTS...1. Hammersley's liberty is being restrained at this moment; AS: Hammersley is in custody of the Brown County Court system, under the bonds of bail and 24/7 monitoring ankle bracelet, in case no. 18CF407, that is being illegally enhanced, punished, and PRE-determined guilty based on this 1998 lawlessly entrapped-into criminalized-instore-kidnapping's subterfuge; TURNT-INTO: These 1999 four-wrongful-convictions/sentences with the lifetime-OWI-convictional-order as this 1999 prior-OWI-conviction ... ARGUMENT... The heart of this case is Hammersley's claim that he was denied access to ***fair*** hearings that should have established his innocence and victimhood.

> *Citing* pages 1-2 of the UNHEARD December 2, 2020 974.06/*coram nobis* (Record DOC NO. #12): "The ***terrorism*** perpetrated on Hammersley, a domestic American, by foreign nationals on American soil, with attempted murder and a completed kidnapping, in violation of 18 USC § 113B. IN-BEING: Under 18 U.S. Code § 3286(b). No Limitation of statute of limitations for offenses listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a foreseeable risk of, death or serious bodily injury to another person. AND: It was construable as a continuation of torture under the 1994 CAT Treaty. IN-WHICH: Indeed, pierces the veil sovereign immunity of all culpable government officials; TO-WIT: Hammersley extends a grant of immunity to the Mexican national-terrorists, if they testify against Brown County Sheriff's deputy G. Haney's cowardice and dereliction of duty in covering up their attempted murder by letting them hide the tire iron. Hammersley tried giving to the deputy, but the Mexican nationals were allowed to repossess. FOR-WHICH: This torture was continued by the aiding-and-abetting of Green Bay policeman R. Reetz. ... TO-WIT: 1) It is construable as kidnapping under 18 U.S.C. § 1201 and United States v. Smith, 360 U.S. 1 (1959); AND: 2) It is construable as terrorism under 18 U.S. Code § 3286 and Henry v. United States, 361 U.S. 98, 100-101, 80 S.Ct. 168, 4 L.Ed.2d 134 (1959); Giordenello v. United States, 357 U.S. 480, 485-488, 78 S.Ct. 1245, 2 L.Ed.2d 1503 (1958); Frankel, Concerning Searches and Seizures, 34 Harv.L.Rev. 361 (1921), and United States v. Toscanino, 398 F. Supp. 916 (Fed. Dist. Court, ED New

York, 1975); AND: 3) It is construable as a treaty violation under the ***law of nations*** doctrine, 1994 CAT Treaty, 1978 Mexico Extradition Treaty, and the 1997 Charters of the Organization of American States; FOR-WHICH: Neither the foreign terrorists nor the irresponsible government officials cannot invoke the traditional treaties or the charters of the Organization of American States and/or the United Nations as personal defenses, United States v. Sobell, 142 F.Supp. 515 (S.D. N.Y.1956)(Kaufman, Judge), aff'd 244 282 F.2d 520 (2 Cir.), cert. den. 355 U.S. 873, 78 S.Ct. 120, 2 L.Ed.2d 77 (1957); AS-FOR: Being that Hammersley now extends the possible offering of immunity to any party collaborating the story that deputy G. Haney allowed the Mexican nationals to repossess the tire iron, that Hammersley did, in-fact, possess and tried giving to Brown County deputy G. Haney; AND: 4) It is construable as a discriminatory-hate-crime in violation Apprendi, 530 U.S. 466 (2000), and 18 U.S.C. § 249; AND: 5) It is construable as a criminal design policing action under Mathews, 485 U.S. 58 (1988); AND: 6) It is construable as misconduct with the lawlessness of the warrantless private property assault/battery/search-and-seizures in violation of Collins, 584 U.S. ____ (2018), and Welsh, 466 U.S. 740 (1984); TO-WHICH: The foreign terrorists and the ridiculousness of the government agents did-not-demonstrate **exigent circumstances** that overcome **the presumption of unreasonableness that attaches to all warrantless private property entries and seizures**; AS: Proscribed by Welsh, 466 U.S. at 748-753. Also, within the holding of Payton, 445 U.S. 573 (1980), and Steagald, 451 U.S. 204, (1981), absent **probable cause** and **exigent circumstances**, the unannounced warrantless-attack turnt arrests inside of a private property's building and inside the curtilage of the driveway/parking-lot was prohibited by both 4th **Amendment** and the Announcement Rule under Wis. Stat. § 968.14 (1997-98). AND: 7) It is construable as unlawful to seize after a prolonged timeframe from driving with the initial purposeful vehicle ram checked engagement, 15-mile chase, and assaulted-into abduction, in violation of Rodríguez, 575 U.S. ___ (2015), Carroll, 267 U.S. 132 (1925), and Prouse, 440 U.S. 648 (1979); AND: 8) The incompetent illogical reporting of officer R. Reetz stating that Hammersley was found with the driver's side window halfway down ... TO-WIT: Was R. Reetz reasoning for disproving Hammersley's personal account of almost being murdered by a thrown tire-iron vehicle-*to*-vehicle; BUT-FOR: Being Hammersley actually rolled the window halfway up after the tire-iron throw incident (*with officer Reetz searching Hammersley's vehicle for the tire iron that Hammersley took out and shouted to deputy G. Haney "these mother fuckers tried killing me!" Before setting it down in front of Haney, and Haney giving the tire-iron back to the Mexican terrorists Authorities*). IN-WHICH: Completely defrauded the court.

Citing page 246 of the April 21, 2020 *john doe* (Record DOC NO. #2): "(2) AS-EVEN: Then, during the plea-agreement/bench-trial/and-sentencing hearing on 1/12/1999; INTO-WHICH: Defense Attorney Howe, also confessed that the Mexican nationals, Francisco Hernandez and Alvaro Cisneros-Razo called attorney Howe and he stated: "***I used the opportunity to talk with the people, who called me, and they are not US citizens***," citing hearing on 1/12/1999; IN-BEING: That the Mexican nationals called upon the defense attorney participating in the convictional phase of their victim and in their own private conference talked at some length and may have talked about Hammersley's incident involving the tire-iron as well as their connections to fitting into the overall puzzle within openly using the kidnaping as a subterfuge. TO-WIT: Reaches the contention of a colorable *due process* claim, with the duty of supervision over the administration of justice in the federal and state courts, in violation of McNabb v. United States, 318 U. S. 332 (1943), requiring reversal because of the pure prejudice that these interviews created in the attorney client relationship. "***In a criminal case, such a private conference must be deemed presumptively prejudicial where, in violation of Fed. Rules Crim. Proc., 32 (c)(1), it was conducted prior to the plea***," citing Smith, 360 U.S. 1 (1959), at 18. ... "***However, the record does indicate that at the instance of an Assistant United States Attorney a Special Agent of the Federal Bureau of Investigation called upon the trial judge in his chambers and talked at some length about Smith's background as well as his connection with the kidnaping. This was before Smith had signed any waivers or entered any plea. Neither Smith nor any one representing him was present at the interview. The record shows this contact not to have been covertly made, for at the time of sentence the trial judge in open court told Smith that it had occurred. I do not reach the due process contention, for it appears to me that our duty of supervision over the administration of justice in the federal courts***, McNabb v. United States, 318 U. S. 332 (1943), ***requires reversal because of this interview. In a criminal case, such a private conference must be deemed presumptively prejudicial where, in violation of Fed. Rules Crim. Proc., 32 (c) (1), it was conducted prior to the plea***," citing Smith, at 18.

These successive "*do nothings*" and denials were in violation of Kuhlmann. Hammersley indeed has presented structural errors as new grounds, alongside multiple actual innocence grounds and factual innocence grounds.

Citing page 246 of the April 21, 2020 *john doe* (Record DOC NO. #2): "(2) AS-EVEN: Then, during the plea-agreement/bench-trial/and-sentencing hearing on 1/12/1999; INTO-WHICH: Defense Attorney Howe, also confessed that the Mexican nationals, Francisco Hernandez and Alvaro Cisneros-Razo called attorney Howe and he stated: "***I used the opportunity to talk with the people, who called me, and they are not US citizens***," citing hearing on 1/12/1999; IN-BEING: That the Mexican nationals called upon the defense attorney participating in the convictional phase of their victim and in their own private conference talked at some length and may have talked about Hammersley's incident involving the tire-iron as well as their connections to fitting into the overall puzzle within openly using the kidnaping as a subterfuge. TO-WIT: Reaches the contention of a colorable *due process* claim, with the duty of supervision over the administration of justice in the federal and state courts, in violation of McNabb v. United States, 318 U. S. 332 (1943), requiring reversal because of the pure prejudice that these interviews created in the attorney client relationship. "***In a criminal case, such a private conference must be deemed presumptively prejudicial where, in violation of Fed. Rules Crim. Proc., 32 (c)(1), it was conducted prior to the plea***," citing Smith, 360 U.S. 1 (1959), at 18. ... "***However, the record does indicate that at the instance of an Assistant United States Attorney a Special Agent of the Federal Bureau of Investigation called upon the trial judge in his chambers and talked at some length about Smith's background as well as his connection with the kidnaping. This was before Smith had signed any waivers or entered any plea. Neither Smith nor any one representing him was present at the interview. The record shows this contact not to have been covertly made, for at the time of sentence the trial judge in open court told Smith that it had occurred. I do not reach the due process contention, for it appears to me that our duty of supervision over the administration of justice in the federal courts***, McNabb v. United States, 318 U. S. 332 (1943), ***requires reversal because of this interview. In a criminal case, such a private conference must be deemed presumptively prejudicial where, in violation of Fed. Rules Crim. Proc., 32 (c) (1), it was conducted prior to the plea***," citing Smith, at 18.

These successive "*do nothings*" and denials were in violation of Kuhlmann. Hammersley indeed has presented structural errors as new grounds, alongside multiple actual innocence grounds and factual innocence grounds.

CONCLUSION

Hammersley's 1998 unlawful arrest and 1999 wrongful convictions go beyond the actual innocence exception – with not only factually unproveable crimes - BUT with actually punishing the victim of capital crimes.

> "*Kuhlmann ... required federal courts to entertain successive petitions when a petitioner supplements a constitutional claim with a 'colorable showing of factual innocence' "). ... See*, e.g., Sawyer v. Whitley, 505 U. S. 333, 339 (1992) *("[Kuhlmann held that] the miscarriage of justice exception would allow successive claims to be heard")*; McCleskey, 499 U. S., at 494 *("Federal courts retain the authority to issue the writ [in cases of fundamental miscarriage of justice]")*; id., at 494-495 *("If petitioner cannot show cause, the failure to raise the claim in an earlier petition may nonetheless be excused if he or she can show that a fundamental miscarriage of justice would result from a failure to entertain the claim")*; Murray v. Carrier, 477 U. S. 478, 496 (1986) *("[W]here a constitutional violation has probably resulted in the conviction of one who is actually innocent, a federal habeas court may grant the writ even in the absence of a showing of cause for the procedural default")*'.

Hammersley's case is not moot - these wrongful 1999 convictions of the actual victim of capital crimes are being used to support guilt and lower evidentiary burdens by its inclusion in creating the Wis. Stat. § 346.63(1)(b) - 0.02 PAC OWI CRIME. The Supreme Court has, in fact, stated:

> "*criminal case is moot only if it is shown that there is no possibility that any collateral legal consequences will be imposed on the basis of the challenged conviction.*" Lane v. Williams, 455 U.S. 624, 632, 102 S. Ct. 1322, 1327, 71 L. Ed. 2d 508 (1982) (*quoting approvingly* Sibron v. New York, 392 U.S. at 57, 88 S.Ct. at 1899).

This articulation places the burden on the government to show that petitioner suffers no collateral consequences. Petitioner has filed BOTH the investigation requests and 974.06/*coram-nobis*/judicial-notice petitions setting forth the collateral

consequences he believes he suffers and will continue to suffer as a result of the 1999 wrongful convictions. The government, and the judiciary by these "*Responses*" continue to fail to come forward with evidence to overcome the presumption.

REASONING - WHEREFORE STATEMENT

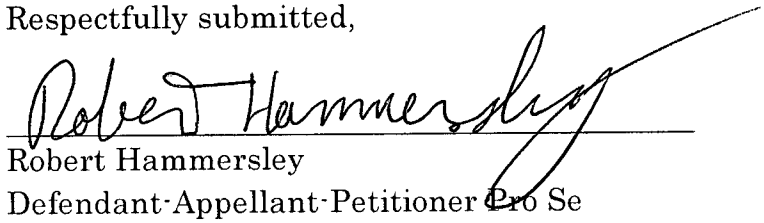
WHEREFORE Citing page 254-255 of the DECEMBER 2, 2020 974.06/coram nobis:

> The international/domestic terrorism with attempted homicide and the completed instore kidnapping have no statute of limitations and retrospectively revoked the personal and subject matter jurisdiction of the Brown County court during the 1998-1999 proceedings. Government discrimination and misconduct have no statute of limitations. Actual Innocence and Victimhood are gateways past any procedural bars and laches. The inadmissibility of the blood test is a material fact and that test was used for prima facie effect without statutorily mandated expert witness testimony. The uninvestigated unproveable Hit-and-run is an admitted material fact. The elder Gideon Rule and protégé (2016) Birchfield Rule expressly forbid uncounseled automatic lifetime criminal-penalties for refusal-to-submit-to-a blood-test and these-are substantive rules that must be applied retroactively. Along with the other retroactively activated additional constitutional law being invocated instantaneously and condemning the unconstitutional Wisconsin Implied Consent laws and PAC .02 BAC OWI Crime laws."

For these reasons set forth herein, the defendant-appellant-petitioner respectfully prays that the Court will grant his Petition for Review in the above-captioned matter, granting such relief as the Court deems just and equitable at the conclusion thereof.

DATED this 23rd day of March, 2025.

Respectfully submitted,



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