

APPENDIX

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APPENDIX

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FILED

08-02-2024

CLERK OF WISCONSIN

SUPREME COURT

August 2, 2024

To:

Hon. Beau G. Liegeois
Circuit Court Judge
Electronic Notice

Meranda JoAnn Hillmann
Electronic Notice

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
Electronic Notice

Robert E. Hammersley
Electronic Notice

You are hereby notified that the Court has entered the following order:

No. 2022AP263-CR

State v. Hammersley, L.C.#1998CT1403

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of defendant-appellant-petitioner, Robert E. Hammersley, pro se, and considered by this court;

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

Samuel A. Christensen
Clerk of Supreme Court

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**COURT OF APPEALS
DECISION
DATED AND FILED**

January 4, 2024

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2022AP263-CR
STATE OF WISCONSIN**

Cir. Ct. No. 1998CT1403

**IN COURT OF APPEALS
DISTRICT III**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

ROBERT E. HAMMERSLEY,

DEFENDANT-APPELLANT.

APPEAL from orders of the circuit court for Brown County:
BEAU LIEGEOIS, Judge. *Affirmed; sanctions imposed.*

¶1 STARK, P.J.¹ Robert E. Hammersley, pro se, appeals orders denying his motions for a John Doe hearing,² denying his motion for

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

reconsideration of that denial, and the circuit court's failure to act on his petition for a writ of coram nobis. We conclude that Hammersley's claims are procedurally barred. Accordingly, we affirm.

BACKGROUND

¶2 In 1998, a vehicle that Hammersley was driving collided with another vehicle, and Hammersley drove away from the accident scene. The other vehicle's occupants followed Hammersley and eventually "held him" at a gas station until the police arrived. Hammersley gave various versions of the events surrounding the collision to police and he ultimately told the investigating police officer that he knew he was drunk. A subsequent blood test yielded a result of 0.17 blood alcohol content.

¶3 Hammersley was charged with three counts: hit and run of an attended vehicle; operating a motor vehicle while intoxicated as a third offense; and operating a motor vehicle with a prohibited alcohol concentration (PAC) as a third offense. He pled no contest to the first and third counts, and the second count was dismissed.³ Sentence was withheld on the hit-and-run count, and Hammersley was placed on probation for one year. On the third count, the circuit court sentenced Hammersley to forty-five days in jail, and revoked his driver's license for twenty-six months.

² "The Wisconsin John Doe proceeding is a criminal investigatory inquiry provided for by [WIS. STAT.] § 968.26. Its purpose is to ascertain whether a crime has been committed and by whom." WIS JI—CRIMINAL SM-12 (2019).

³ Pursuant to WIS. STAT. § 346.63(1)(c), the operating while intoxicated charge was dismissed after Hammersley's no-contest plea.

No. 2022AP263

¶4 On April 21, 2020, Hammersley filed a pro se “Petition for Reconsideration of 2013 Decision and/or New Tendering of Request for a John Doe Hearing Pursuant to [WIS. STAT.]§ 968.26 and/or Federal Investigations with Request for 13 Judicial Notices.”⁴ The petition alleged that following the accident, the occupants of the vehicle he hit had attempted to murder him that day by throwing a tire iron at him. The petition further alleged that the vehicle’s occupants kidnapped him when they held him until the police arrived, that these acts amounted to “terrorism,” and that the police were complicit in these actions. The circuit court denied the petition in a written order on July 24, 2020, due to the matter having “already been reviewed and conclusively decided by [the circuit court], [which] denied Mr. Hammersley’s previous petition.” On August 12, 2020, Hammersley filed a motion for reconsideration of the July 2020 order, and that motion was denied on September 2, 2020.

¶5 On September 21, 2020, Hammersley filed a three-part petition for a John Doe hearing. This petition was denied, and Hammersley’s subsequent motion for reconsideration was also denied. On December 10, 2020, Hammersley filed a “Petition for Coram Nobis⁵ and Reassessment of 2020 John Doe Decisions

⁴ Hammersley has not provided this court with his original John Doe petition or the 2013 order denying his petition, nor has he identified any facts that would demonstrate that the circuit court violated a plain legal duty by denying the 2013 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 WI App 262, ¶5 n.1, 248 Wis. 2d 865, 637 N.W.2d 774 (citation omitted).

⁵ A writ of coram nobis

(continued)

No. 2022AP263

File No. 13JD24 and/or Continued Request for a John Doe Hearing Pursuant to WIS. STAT. § 968.26 and/or Coupled with Requests Under 28 U.S.C. § 535 Federal Investigations with Re-Requested 13 Judicial Notices to Assist in Setting Aside the Wrongful Convictions in Case No. [19]98CT1403.” This document contained the same allegations as the April 2020 request for a John Doe hearing. The circuit court did not act on this petition.

¶6 On July 23, 2021, Hammersley filed a petition for a writ of mandamus in this court, which we denied, stating the following:

Robert Hammersley has filed a petition for a supervisory writ of mandamus that appears to be challenging: (1) an order issued by Judge Beau G. Liegeois on July 24, 2020, denying Hammersley’s petition for a John Doe investigation; (2) an order issued by Judge Liegeois on September 2, 2020, denying Hammersley’s motion for reconsideration of the denial of the John Doe petition and directing Hammersley to apply to this court with any further requests for review of the John Doe proceeding; and (3) the circuit court’s failure to act upon Hammersley’s December 2, 2020, petition for a writ of coram nobis relating to a conviction in a 1998 Brown County case. These appear to be essentially the same issues Hammersley previously raised before this court in his “request for investigation” in No. 2021XX625.

Aside from being procedurally barred from filing successive petitions seeking the same relief, Hammersley again fails to provide any grounds that would warrant the relief he seeks. Hammersley has not provided copies of his original John Doe petition or the July 24, 2020, order

is of very limited scope. It is a discretionary writ which is addressed to the [circuit] court. The purpose of the writ is to give the ... court an opportunity to correct its own record of an error of fact not appearing on the record and which error would not have been committed by the court if the matter had been brought to the attention of the ... court.

Jessen v. State, 95 Wis. 2d 207, 213-14, 290 N.W.2d 685 (1980).

No. 2022AP263

denying it, and he has not identified any facts that would demonstrate the judge violated a plain legal duty by denying the petition. In addition, Hammersley continues to operate under the mistaken belief that the circuit court judge could issue a supervisory writ to himself upon reconsideration. As we have previously explained, the proper mechanism for review of an order denying a John Doe petition is by a supervisory writ petition to this court, not by a writ petition to the circuit court. See *State ex rel. Unnamed Person No. 1 v. State*, 2003 WI 30, ¶38, 260 Wis. 2d 653, 660 N.W.2d 260.

Finally, assuming we construe the circuit court's failure to act upon the coram nobis petition—in conjunction with its prior indication that it would not be addressing the matter further—as a constructive denial of the petition, Hammersley has not demonstrated that he was entitled to coram nobis relief.

.....

In order to constitute grounds for the issuance of a writ of error coram nobis there must be shown the existence of an error of fact which was unknown at the time of trial and which is of such a nature that knowledge of its existence at the time of trial would have prevented the entry of judgment. The writ does not lie to correct errors of law and of fact appearing on the record since such errors are traditionally corrected by appeals and writs of error. Likewise where the writ of habeas corpus affords a proper and complete remedy the writ of error coram nobis will not be granted. On an application for a writ of error coram nobis the merits of the original controversy are not in issue. *Jessen v. State*, 95 Wis. 2d 207, 213-14, 290 N.W.2d 685 (1980) (citations omitted).

In short, Hammersley's complaints of "a whole slew of fundamental and/or structural errors in the 1998 conviction" are the types of alleged errors of law and fact that could have been addressed by a timely appeal, and they are not the proper subject of a coram nobis petition.

Hammersley v. Circuit Ct. for Brown Cnty., 2021AP1269-W (WI App. Dec. 22, 2021).

¶7 Hammersley now appeals the circuit court's orders denying his April 2020 and August 2020 motions, as well as the circuit court's failure to act on his December 2020 petition for a writ of coram nobis.

DISCUSSION

¶8 Hammersley argues that the circuit court should have heard his John Doe motions, should have granted his petition for a writ of coram nobis, and should have "voided the ... wrongful criminal judgments and unlawful ... arrests against him." We conclude that Hammersley's claims are procedurally barred.

¶9 "Whether a defendant's appeal is procedurally barred is a question of law that we review *de novo*." *State ex rel. Washington v. State*, 2012 WI App 74, ¶27, 343 Wis. 2d 434, 819 N.W.2d 305. "A matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue." *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991).

¶10 Hammersley raises a number of issues regarding the circuit court's denial of his motions and failure to act on his petition for a writ of coram nobis.⁶ He appears to argue that the court erred by failing to consider the merits of his John Doe motions and his petition for a writ of coram nobis. It is clear, however,

⁶ To the extent we do not address issues or arguments that Hammersley intended to raise, we conclude that such issues or arguments are not sufficiently developed, are conclusory, and are too difficult to decipher. Accordingly, we reject them. See *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

We also note that Hammersley appears to argue errors in other cases that are unrelated to this case. We will not discuss the merits of these claims and will not address them any further.

that the issues Hammersley raised in those filings were previously addressed by the circuit court and this court.

¶11 The circuit court denied Hammersley's April 2020 petition for reconsideration of its 2013 order denying his motion for a John Doe hearing because the issues had "already been reviewed and conclusively decided." Similarly, his August 2020 motion for reconsideration of the July 2020 order was denied because the issues raised in the petition had already been litigated. Hammersley's September 2020 motion for a John Doe hearing was denied for a number of reasons, including that the facts Hammersley cited in support of his motion would not affect his underlying PAC conviction. Finally, this court denied Hammersley's July 2021 petition for a writ of mandamus for the reasons quoted above. Thus, the issues raised in Hammersley's John Doe motions, petition for a writ of coram nobis, and petition for a writ of mandamus have all been previously litigated and "may not be relitigated in a subsequent postconviction proceeding." *See id.*

¶12 In reply, Hammersley argues that his claims are not barred by *Witkowski* because they were not "properly" previously litigated. It is unclear what Hammersley means by "properly" litigated, inasmuch as his claims and allegations have been extensively addressed by the circuit court and this court in prior decisions. We also note that Hammersley had the opportunity to appeal the 2013 order denying his original petition for a John Doe hearing, but he failed to do so. Accordingly, we reject this undeveloped argument. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

¶13 Hammersley argues that his claims could not have been raised in previous appeals "without an actual real investigation and terrorism and

government misconduct.” Again, while difficult to understand his briefing, the crux of Hammersley’s argument appears to be that he should be granted postconviction relief in this case because he fled the scene of the 1998 collision due to the occupants of the other vehicle allegedly attempting to murder and kidnap him and these acts amounted to terrorism.

¶14 Regardless of any potential merit in these claims, the bases for Hammersley’s requested John Doe proceedings and writ of coram nobis have been previously addressed by the circuit court and this court. His assertion that he could not have raised these claims in previous appeals is without merit, and his claims are procedurally barred.⁷

¶15 The State argues that Hammersley is abusing the appellate process by repetitively relitigating the same matters, and it asks that this court impose sanctions against Hammersley. In light of Hammersley’s repetitious filings, we agree. This court has the inherent power to “ensure that it ‘functions efficiently and effectively to provide the fair administration of justice,’ and to control its docket with economy of time and effort.” *State v. Casteel*, 2001 WI App 188, ¶23, 247 Wis. 2d 451, 634 N.W.2d 338 (citation omitted). “Frivolous actions hinder a court’s ability to function efficiently and effectively and to fairly administer justice to litigants who have brought nonfrivolous actions.” *Id.* This court can require that a litigant abusing the appellate process obtain prior approval

⁷ We further note that Hammersley’s allegations made in support of his John Doe motion would not provide a basis for any relief to Hammersley regarding his PAC conviction in this case. Even if the alleged crimes by the vehicle’s occupants took place, those crimes do not in any way suggest that Hammersley was innocent of the crime of operating a vehicle with a prohibited alcohol content.

for any future filings, on a case-by-case basis, so as to prevent additional frivolous findings. *Id.*, ¶¶23-27.

¶16 Accordingly, we order that no further appellate filings will be accepted from Hammersley unless he submits by affidavit all of the following: (1) “[a] copy of the circuit court’s written decision and order he seeks to appeal,” (2) “[a] statement setting forth the specific grounds upon which this court can grant relief,” (3) “[a] statement showing how the issues sought to be raised differ from issues raised and previously adjudicated, and” (4) “[a] statement of why any new claims so raised are acceptable under [*Witkowski*, 163 Wis. 2d at 990.]” *See Casteel*, 247 Wis. 2d 451, ¶25.

By the Court.—Orders affirmed; sanctions imposed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

Case 1998CT001403

Document 3

Filed 07-24-2020

Page 1 of 2

FILED

07-24-2020

Clerk of Circuit Court

Brown County, WI

1998CT001403

BY THE COURT:

DATE SIGNED: July 23, 2020

Electronically signed by Beau G. Liegeols
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH VIII

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

Case No. 98 CT 1403

v.

ROBERT E. HAMMERSLEY,

Defendant.

ORDER DENYING PETITION FOR RECONSIDERATION OF 2013 DECISION

The Court has reviewed a petition filed by Robert Hammersley, pro se, dated April 21, 2020, and titled, "A Petition for Reconsideration of 2013 Decision and/or New Tendering of Request for a John Doe Hearing Pursuant to Wisconsin Statute 968.26 and/or Federal Investigations with Request for 13 Judicial Notices." According to the documents provided by Mr. Hammersley, this matter has already been reviewed and decided at the state circuit court level. Pages 118 to 123 and pages 147 to 154 of the Appendix attached to the petition demonstrate that this matter has already been reviewed

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Case 1998CT001403 Document 3 Filed 07-24-2020 Page 2 of 2

and conclusively decided by a Brown County Circuit Court Judge, who denied Mr. Hammersley's previous petition in Brown County Case Number 13 JD 24. The Court assumes that it is receiving this petition because Branch 8 was the assigned court for Brown County Case Number 98 CT 1403. However, that does not give Branch 8 any further authority to review the matters asserted in the April 21, 2020 petition that were already decided by another Brown County Circuit Court Judge.

THEREFORE, IT IS HEREBY ORDERED that Mr. Hammersley's petition is denied, as a Brown County Circuit Court Judge has already ruled on all issues presented in the petition.

Electronic Copy: District Attorney
US Mail: Robert Hammersley, Defendant

FILED
09-02-2020
Clerk of Circuit Court
Brown County, WI
1998CT001403

BY THE COURT:

DATE SIGNED: September 2, 2020

Electronically signed by Beau G. Liegeois
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH VIII

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

Case No. 98 CT 1403

v

ROBERT E HAMMERSLEY,

Defendant.

**DECISION DENYING DEFENDANT'S
PETITION FOR RECONSIDERATION DATED AUGUST 12, 2020**

The Court has reviewed Defendant's Petition for Reconsideration filed by Robert Hammersley, pro se, dated August 12, 2020.

Nothing in the petition changes the Court's previous ruling that a Brown County Circuit Court Judge already previously ruled on this issue. Any further action on this matter must be taken up with the Court of Appeals.

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THEREFORE, IT IS HEREBY ORDERED that Defendant's Petition for
Reconsideration Dated August 12, 2020, is denied without hearing.

This is a final order for the purpose of appeal.

Electronic Copy: District Attorney
US Mail: Robert Hammersley, Defendant

Hammersley offers another set of documents; **BASELY**:

"showing that there was critical contradictory evidence known to the government and knowingly concealed from the courts. These records present another question regarding the propriety of judicial notice. ... they are offered on the ultimate issue of governmental misconduct," cf. Korematsu, 584 F. Supp. 1406 (N.D. Cal. 1984), at 1417. The "**memoranda, ... t[ransc]r[ipt]s** [and reports (Appx. 114-127, 145-160)] ... **may be admitted as nonhearsay within the purview of 801(c)**," cf. Korematsu v. U.S., 584 F. Supp. 1406 (N.D. Cal. 1984), at 1417.

"It should be noted that the [1995 blood test] **re[fusal]** [and the documented 15-mile chase, in-store assault/battery, and the completed kidnapping by two Mexican Nationals] ... **meet the requirements of Rule 803(8) ... as findings resulting from an investigation made pursuant to authority granted by law ... would be deemed admissible ... Advisory Committee Notes to Exceptions 803(8)**, Letelier v. Republic of Chile, 567 F.Supp. 1490, 13 Fed. R.Evid. Serv. 1731 (S.D.N.Y.1983). **There is ... the ... lack...** [of all] **trustworthiness** [with the] **Admission of the ... re[fusal]** [and documented unlawful arrest] ... **under 803(8) would allow it to be weighed along with other evidence, ... and permit the ... court to make its own findings. Were the ... court to take** [decisive] **judicial notice of the findings under Rule 201, by contrast, the findings would become conclusive,**" Korematsu v. U.S., 584 F. Supp. 1406 (N.D. Cal. 1984), fn. 5.

I. TO-WIT: Hammersley stresses that this honorable Court should mandate that the lower Court must reply to the judicial notice requests or that this court of its own volition might take judicial notice, or that either court should state sound reasoning why judicial notice cannot be made of the relevant issues of actual standing—stemming from the unlawful arrests in 1995+1997+1998 and 2018. This is the traditional way to force an inferior

tribunal from exceeding its jurisdiction without restraint. Thusly, upholding constitutional prescriptions, see **Wis. Stat. § 757.81(4), 775.05, 782** and/or **FED. RULE 21**, also cf. City of Madison, 2003 WI 76, at 659.

Slightly Altered from Page 217 of the 12-2-2020 974.06/*coram nobis*; **DOC NO. 103. IN-WHICH: The judicial notice requests are herein repeated:**

1. **STRUCTURAL ERROR:** The forceful abduction inside Speedway gas station on 9/19/1998, was made by two Mexican nationals. **INTO-WHICH: Francisco Hernandez and Alvaro Cisneros-Razo were not U.S. citizens.**

2. **STRUCTURAL ERROR:** That Mexican nationals, Francisco Hernandez and Alvaro Cisneros-Razo were not authorized as law enforcement officials to perform vehicle ram-check spot checks in Green Bay, WI, were not authorized to setup improvised roadblocks on top of Tower Drive bridge, nor were authorized to use deadly force on the United States' roadways.

3. **STRUCTURAL ERROR:** That the Mexican nationals, Francisco Hernandez and Alvaro Cisneros-Razo were not authorized as Brown County law enforcement officials to perform warrantless unannounced storefront invasions, nor were not authorized to use assault and battery on U.S. citizens, nor were not authorized to forcefully take hostage U.S. citizens.

4. **STRUCTURAL ERROR:** That the honorable Brown County Court officials used the entrapped into international terrorism with kidnapping for initial custody under the forceful abduction hold, as the subterfuge of the criminal arrests for the traffic offenses.

5. **STRUCTURAL ERROR:** That the honorable Brown County Sheriff's deputy G. Haney had a duty to report and document his involvement with the arrest on 9/19/1998.

6. **STRUCTURAL ERROR:** That the honorable deputy G. Haney and/or policeman R. Reetz had a duty to make an arrest for the unannounced violent in-store assault and hostage taking seizure on 9/19/1998.

7. **STRUCTURAL ERROR:** The Wisconsin Dept. of Transportation (DMV/DOT), was recording the forbidden to use as a criminal penalty—95' civil refusal-Order—statutorily-converted into a criminal OWI. The Implied Consent 1995 civil refusal judgement was ruled ex parte, without counsel, and entered in absentia on 12/12/1995, that was and still is being invalidly used as an OWI conviction in 1996-1999, 2005, 2008-10, and 2018. REMEDY: Discontinue the 1995 Refusal's use as an OWI conviction in the aforesaid sentencing structures.

8. **STRUCTURAL ERROR:** Hammersley was being held hostage inside the Speedway store-area with his nonrunning car permissibly parked inside the curtilage zone of the building's parking-lot. **FROM-WHICH: Deputy Haney warrantlessly made initial contact with the hostage in the storefront.**

9. **STRUCTURAL ERROR:** Deputy Haney made initial contact but remained undocumented, under the guise of making the warrantless capture for uncommitted uninvestigated unprovable criminal traffic offenses in another jurisdiction of the kidnapped nondriver.

10. **STRUCTURAL ERROR:** Deputy Haney **did not document the intoxication levels of the Preliminary Breath Tests performed on Hammersley, Hernandez, nor Cisneros-Razo**, under the guise of making the warrantless capture for the uncommitted uninvestigated unproven criminal traffic offenses in another jurisdiction of the instore kidnapped nondriver.

11. **STRUCTURAL ERROR:** The Deputy Haney **had a duty to retain the Mexican Nationals' tire-iron that Hammersley initially possessed and tried to give to deputy Haney before the Mexican Nationals were allowed to retake it and stow it back in their vehicle.**

12. **STRUCTURAL ERROR:** The policeman, **officer Reetz—did not make initial contact ... inside the Speedway storefront, whilst becoming a secondary responding agency, taking over undocumented deputy Haney's first response**, without warrants for the uncommitted uninvestigated criminal traffic offenses in the city of Green Bay's jurisdiction without an actual reportable accident—for the colorably kidnapped nondriver inside the store-area.

13. **STRUCTURAL ERROR:** The policeman, **officer Reetz—did not have permission** to perform a warrantless vehicle search of a permissibly parked nonrunning car—**without equally searching for the mishandled thrown tire-iron in the Mexican Nationals' vehicle as well**, that were both inspected from an exterior perspective in the devaluation of the nonreportable accident parked in the diesel-refueling spatial-area behind the Speedway, inside the curtilage zone of the Speedway Gas Station's parking-lot. **WITHIN:** The auspices of making the warrantless spot-check of a victim of capital crimes with the colorable hostage taking seizure and the subsequent singular car search for the uncommitted uninvestigated unproven criminal traffic offenses.

14. **STRUCTURAL ERROR: AS-FOR:** Being that afterwards, **officer Reetz warrantlessly unreasonably made initial contact with Hammersley**, under Collins, 584 U.S. __ (2018); **INTO-BEING:** That the ... **automobile exemption** does not include the home or curtilage and that vehicles that are stored permissibly within Speedway's curtilage cannot be searched without a warrant. **AS:** **Discriminatorily solely Hammersley's car-interior was searched;** **IN-BEING:** The **automobile exemption** does not include the Speedway building or gas station parking lot's curtilage area and that vehicles stored within Speedway parking lot's curtilage cannot be discriminatorily selectively searched without a warrant. Because, a warrantless wellness check was not initialized, the mishandled tire-iron was not relocated in the other vehicle's passenger-side interior, and the traffic arrest was made of a nondriver impermissibly assaulted and taken hostage therein the inner storefront spaces.

15. **STRUCTURAL ERROR:** The policeman, **officer Reetz—did not have permission** to commence criminal traffic investigations under the auspices of making the warrantless spot-check and searches of the kidnapped nondriver and a permissibly parked nonrunning car; **FOR-WHAT:** For allegedly "not-stopping"; **FROM:** Whence, **there were certainly two stops.**

16. **STRUCTURAL ERROR:** After **the Mexican Nationals warrantlessly unreasonably made violent physical contact with Hammersley**, under Rodriguez, 575 U.S. 348 (2015). **"A seizure justified only by a police-observed traffic violation, therefore, "become[s] unlawful if it is prolonged beyond the time reasonably required to**

complete th[e] mission" of issuing a ticket for the violation," cf. Id., at 407. **INTO-BEING:** That the Mexican Nationals broke-off the pursuit after Hammersley veered around into the Speedway parking-lots' east-end. They did not follow Hammersley into the parking lot and continued north in the left lane on HWY41-NB. The Mexican Nationals had to turn around and come back to the Speedway gas station before unannouncedly storming into the storefront and taking Hammersley hostage by surprise; **IN-EVEN:** Being without a reportable accident... **IN-WHICH:** Is completely indicative of **no—"observed traffic violation, therefore, "bec[a]me... unlawful [as]... It is prolonged beyond the time"** required for treaty permissions and traffic investigations.

17. **FACT: Deputy Haney** and/or policeman, **officer Reetz—did have permission** to request all three individuals submit to a PBT inside the parking lot under the guise of a warrantless first/second response to a violent instore hostage-taking and roadside attempted murder, Terry stop or wellness-check of the kidnapped nondriver for worries/health-concerns and to consider both the attempted homicide and the violent unauthorized false imprisonment.

18. **STRUCTURAL ERROR: BUT-FOR:** Being that thereafter, **deputy Haney** and/or **officer Reetz warrantlessly unreasonably made contact with Hammersley with the foully prefabricated traffic arrests**, in violation of sheer treaty conditions, Castle Doctrine, and Terry, 392 U.S. 1. The searches, seizures, and arrests were for the uninvestigated uncommitted traffic crimes; **IN-BECOMING:** A criminally designed entrapment enacted with collusion and fraud betwixt involvement of the Mexican Nationals and the Brown County patrol, through blackjacking Hammersley, in-violation of **Wis. Stat. § 972.085**, Mathews, 485 U.S. 58 (1988), and Jacobson, 503 U.S. 540, 548 (1992). **AS:** The Mexican Nationals, deputy Haney, and/or officer Reetz cannot use of artifice, stratagem, pretense, or deceit to falsely establish committed traffic crimes, U.S. v. Nations, 764 F.2d 1073, 1080 (5th Cir. 1985).

19. **STRUCTURAL ERROR:** The Mexican Nationals, deputy Haney, and/or officer Reetz—**did not—have permission**—to commence unauthorized "hot-pursuit" with the use of deadly force, willful disengagement, unannounced instore assault and violent hostage-taking transitioned into the criminal traffic investigations pressed on the actual victim of capital crimes under the guise of making the warrantless capture, spot-check, car search and arrest of a person permissibly waiting inside a store area to report a roadside attempted murder for uncommitted uninvestigated criminal traffic offenses. Afterwards, first responder deputy Haney warrantlessly seized the instore kidnappee, that transitioned into secondary responder—**officer Reetz's warrantless initialized contact with Hammersley**, by the continuation of the seizure and arrest, with warrantless blood demand—All commencing within the inner space of the Speedway storefront and later-on within the Speedway parking lot's curtilage.

20. **STRUCTURAL ERROR:** The unauthorized unannounced entry and assault/hostage-taking that transitioned into the criminal investigation cannot be conducted without international permissions nor any warrants, under Welsh, 466 U.S. 740, at 755 and Alvarez-Machain, 504 U.S. 655 (1992). **FROM-WHICH:** The policeman could not seize Hammersley nor demand his blood within the **"warrantless, nighttime entry into the [S]pe...e[dway]'s [st]o[r]e[front] to a[s]s[aul]t him for a civil ["no-stop"] traffic [vi]o[latio]n.... Such an [assault turnt] arrest, however, is clearly**

prohibited by the special protection afforded the individual in his home by the 4th Amendment [and/or for Hammersley inside territorial boundaries of the United States to be free from Terrorism visited upon him by Mexican Nationals]. **The petitioner's arrest was therefore invalid, the judgment of the [B]rown [County] Court of Wisconsin [mu]s[t] [be] vacated, and the case [mu]s[t] [be] remanded for further proceedings not inconsistent with th[e] opinion** of Welsh.

21. **STRUCTURAL ERROR:** Hammersley—~~did~~—**have permission** to permissibly wait inside the Speedway gas station; **IN-ORDER-TO:** Report the roadside attempted murder a mile or two from the Speedway gas station, with a thrown tire-iron vehicle-to-vehicle and the tire-iron sitting on Hammersley's passenger seat (*actually trying to give the tire-iron to deputy Haney later-on*).

22. **STRUCTURAL ERROR:** Hammersley had a reasonable expectation of privacy permissibly parked in the Speedway parking lot and waiting inside for inbound law enforcement (*with the store clerk calling and speaking with 911*) ... Without being unduly subjected to the unfettered discretion by the precognitive styled hunches of the Brown County patrolman in the field, after responding to the episodic terrorism event, under Camara, 387 U.S., at 532, 534-535; Marshall, supra, at 320-321; U.S., 407 U.S. 297, 322-323 (1972), Prouse, 440 U.S., 655 and Alvarez-Machain, 504 U.S. 655 (1992).

23. **STRUCTURAL ERROR:** The Mexican Nationals, deputy Haney, and/or officer Reetz—~~did not~~—**have any exigent circumstances** to forgo requesting any type of authorizations nor owner permissions prior to entering the store; neither judicial oversight and/or warrants before the unannounced violent instore hostage-taking, seized spot-check of a kidnappee, arrest of the actual victim of capital crimes, parking lot search and seizure of solely Hammersley's car, and warrantless demanded blood draw. **Wherewithal BEING: Over 181-minutes** removed from the alleged unproven hit-and-run nonreportable-car-accident—**INTO-BEING:** Then, inside the blood demand hospital room, that was over **three-hours** after the initialized driving event.

24. **STRUCTURAL ERROR:** The Mexican Nationals and deputy Haney **warrantlessly unreasonably made initial contact seized Hammersley**, along with officer Reetz's continuation of the terrorism with the arrest, and demanded his blood within the hospital's blood draw room; **FROM-WHICH:** Such conduct cannot be orchestrated without warrants nor any international permissions, under Alvarez-Machain, 504 U.S. 655 (1992) and McNeely, 569 U.S. 141 (2013). **"The question presented here is whether the natural metabolism of alcohol in the bloodstream presents a per se exigency that justifies an exception to the [treaties' prior authorizations and/or the] 4th Amendment's warrant requirement for nonconsensual blood testing in all drunk-driving cases ... it does not, and ... consistent with general 4th Amendment principles, that exigency in this context must be determined case-by-case based on the totality of the circumstances."** **IN-BEING:** Neither the policeman nor the Mexican Nationals cannot be excused within the exigency exception. There were **actually two vehicular stops**, no delays after seizure and the compelled warrantless hospital blood draw was finalized in less than 96-minutes after officer Reetz's documented involvement.

25. **STRUCTURAL ERROR:** That for Hammersley's 2008+2018 traffic arrests the Brown County Sheriff's deputies used a warrantless PAC .02 OWI charged criminal seizure (based on: the 1995+1997+1999 prior wrongful convictions) to then administer additional warrantless whole blood seizures under the ex post facto Implied Consent Law without exigent circumstances.

REMEDY: Exclude the blood test results of the compelled 2018 Implied Consent warrantless blood seizure's evidentiary use, as evidence garnered under the poisonous tree doctrine. Dismiss pending charges underlining case no. 2018CF407.

26. **STRUCTURAL ERROR:** The policeman, **officer Reetz—did not provide any legal advice nor was counsel provided to Hammersley during the administration of the 1998 warrantless blood draw demand. Hammersley did not have a proper opportunity to make an intelligent, knowing, voluntary decision** to forgo submitting to a warrantless blood draw demand inside the hospital blood draw room.

27. **STRUCTURAL ERROR:** The policeman, officer Reetz—did not provide any legal advice nor was counsel provided to Hammersley during the administration of the warrantless blood draw demand. Hammersley did not know about any alternative to forgoing the instant lifetime criminal OWI conviction for refusing a warrantless blood draw. **TO-WIT:** Hammersley clearly did not—have a proper opportunity to make an intelligent, knowing, voluntary decision **"with eyes wide open"** to lawfully properly civilly decline submitting to a warrantless blood draw demand inside the hospital blood draw room, in violating both the substantive Gideon Rule and Fareta Rule.

28. **STRUCTURAL ERROR:** Thereinafter, **officer Reetz warrantlessly unreasonably initialized contact with Hammersley**, in continuance of the seized event, with arresting him, and demanding his blood under the threat of statutorily imposed criminal penalties; **FOR-WHICH:** Criminal penalties cannot be sanctionable under the civilly administered Implied Consent law without a warrant and proper *due process*. The fundamental requirement of **due process-is-the opportunity-to-be-heard "at a meaningful time and in a meaningful manner"**, citing *Armstrong*, 380 U.S. 545; **TO-WIT:** Was in violation of the Gideon Rule, Boykin Rule, Fareta Rule, Strickland Rule, Gagnon, 470 U.S. 522 (1985), at 525-26, and Hill, 474 U.S. 52, (1985). **IN-BEING:** The 1995 refusal's usage and the 1998 blood draw administration: **"was-not-valid for [criminal]... purposes. Specifically, under the rule of Scott and Argersinger, it was invalid for the purpose of depriving petitioner of his liberty,"** under Baldasar, 446 U.S. 222 (1980).

29. **STRUCTURAL ERROR:** Thereinafter, **officer Reetz warrantlessly unreasonably initialized contact with Hammersley**, in continuance of the seized event, with arresting him, and demanding his blood under the threat of statutorily imposed criminal penalties; **IN-WHICH:** Criminal penalties cannot be sanctionable under the civilly administered Implied Consent law without a warrant and proper **criminal due process**. The blood-refusal's automatic statutorily imposed criminal 1995 convictional-Order's inauthentic use as evidence of guilt was in violation of the **4th, 6th, and 14th Amendments and Wis. Const. Art. I § 1, 7, 8, and 11**, retroactively under Mapp, 367 U.S. 643 and Welsh, 466 U.S. 740 (1984). Also, under the plain language of the newer

holdings of Dalton, 2018 WI 85 and the Birchfield Rule. **IN-BEING:** The refusal **"was-not-valid for [criminal]... purposes [of guilt]. Specifically, under the rule of Scott and Argersinger, it was invalid for the purpose of depriving petitioner of his liberty,"** under Baldasar, 446 U.S. 222 (1980).

30. **LEGISLATIVE ERROR:** 1995-2022 Implied Consent laws, while, amidst the **"probationary-administrative-search phasing"** are **ex post facto law** violations under Calder, 3 U.S. 386 (1798); **"Legislative facts are 'established truths, ... pronouncements that do not change from case to case but [are applied] universally, while adjudicative facts are those developed in a particular case,'** see U.S. v. Gould, 536 F.2d 216, 220 (8th Cir.1976). **Legislative facts are facts of which courts take particular notice when interpreting a statute or considering whether Congress has acted within its constitutional authority,"** Territory of Alaska, 358 U.S. 224, 227 (1959), see Korematsu, 584 F. Supp. 1406 (1984), at 1415. **TO-WIT:** **"every law that alters the legal rules of evidence, and receives less, or different-testimony, than the law required at the time of the commission of the offense, in order to convict the offender,"** is a **ex post facto law**, under the 11th Amendment and Wis. Const. Art. I § 12.

31. **STRUCTURAL ERROR:** The policeman, **officer Reetz—did not document the Preliminary Breath Tests conducted by deputy Haney on Hammersley and the two Mexican Nationals.** **TO-WIT:** Deputy Haney personally told Hammersley that the **"one with less to drink"** was driving the other vehicle involved. **FROM-WHICH:** The unreleased video evidence or eye witness testimony would have dispelled Haney's unverified hate crime policing tactics, methods, and sources.

32. **STRUCTURAL ERROR:** With a consensual breath test and with the uncommitted uninvestigated unproveable driving event's undocumented time of before 2am, there cannot be automatic statutorily imposed criminal penalties for the test refusal statute; **FROM-WHICH:** Criminal penalties cannot be sanctionable under the civilly administered Implied Consent law without a blood draw, without any warrants, and without proper *due process*. The fundamental requirement of *due process*-is-the opportunity-to-be-heard **"at a meaningful time and in a meaningful manner,"** Armstrong, 380 U.S. 545. The refusal statute's blood draw administration **"was-not-valid for [criminal]... purposes,"** under Baldasar.

33. **STRUCTURAL ERROR:** "[H]a[m]mersley is challenging the constitutional validity of his conviction[s] ... **Because [H]a[m]mersley is not seeking to suppress any evidence, the good-faith exception has no applicability,**" [accept make known the inadmissibility of the blood test used for the enhanced PAC charges to the trier of fact that were statutorily noncompliant for *prima facie* usage in conviction without expert witness testimony under Wis. Stat. § 885.235(3) cf. State v. Trahan, at 222. **"In Birchfield, the Court reversed appellant Birchfield's test refusal conviction, which involved the refusal of a warrantless blood test, cf. 136 S.Ct. at 2186. as in B...e[y]lund's case, the State has [impr]o[perly] used a[ll] blood-test evidence to convict H]a[m]mersley [in 1999 with enhanced PAC .1+ BAC charges], and [H]a[m]mersley has not sought to exclude any evidence [that must already be excluded by statutory noncompliance]. A...n...y[-of] the State's attempt[s] to argue that the**

test refusal statute is constitutional, as applied to [H]a[m]mersley by means of the good-faith exception, fails," under persuasive authority *State v. Trahan*, 886 N.W.2d 216 (Minn. 2016), at 224.

34. **STRUCTURAL ERROR:** Hammersley was denied *meaningful* access to the courts with the 2020-2022 decisions' *clearly erroneous* denials and unissued opinions final egregious statement of: **"I am not waiving filing fees and costs until you can articulate a "claim, defense or appeal upon which the court may grant relief"** issued on 02-29-2022, with an appellate transmittal fee denial (see Appx. 113; DOC NO. 51); **BUT-FOR:** Being that **the Brown County Court's unmet duties—do not—meet the fundamental requirements of due process-opportunity-to-be-heard "at a meaningful time and in a meaningful manner,"** for the automatic statutorily converted unconstitutionally processed, 10/28/1995—12/12/1995, criminal lifetime-OWI-Refusal-Order, and the 1998 terrorism turnt unlawful arrest and warrantless blood draw, under *Armstrong*, 380 U.S. 545 (1965).

35. **STRUCTURAL ERROR:** During the 1995-1996 and/or 1998-1999 plea agreement and sentencing proceedings; 10/28/1995—3/1/1996 and/or 9/19/1998-1/12/1999 (**each timeframe 115-125-days**). The criminalized 1995 Notice of Intent was filed on 12/7/1995 and the criminalized refusal-Order's entrance was on 12/12/1995... **FROM-WHICH:** The 1995 refusal-Order was then, transitionally used to support guilt from then forward 1995-2022, was used to enhance criminal penalties within the 1996 unconstitutional stipulation with 10-days of jailtime, and was a mandatorily enforced criminal penalty with the 1998 arrest and wholly induced 1999 plea agreement.

36. **STRUCTURAL ERROR:** That the honorable **Brown County Court did not have subject matter jurisdiction under the used terrorism and kidnapping for initial custody under the forceful abduction hold, as the subterfuge used for the criminal arrests for the traffic offenses and charging instruments.**

37. **STRUCTURAL ERROR:** That the honorable **Brown County Court did not have personal jurisdiction under the used terrorism and kidnapping for initial custody under the forceful abduction hold, as the subterfuge of the criminal arrests for the traffic offenses' charging instruments pressed upon Hammersley.**

38. **STRUCTURAL ERROR:** That the honorable **Brown County Court prosecutorial officials could not prove the hit-and-run traffic offenses' charging instruments.**

39. **STRUCTURAL ERROR:** That the honorable **Brown County Court prosecutorial officials used the inadmissible blood test results to illegitimately enhance the traffic offenses' charging instruments and conviction without statutorily required expert witness testimony.**

40. **STRUCTURAL ERROR:** That the honorable **Brown County Court prosecutorial officials used the inadmissible blood test results to impute PRE-determined guilt without statutorily required expert witness testimony.**

41. **STRUCTURAL ERROR:** That the honorable **Brown County Court prosecutorial officials used the 1995 Implied Consent refusal to**

enhance the traffic offenses charging instruments, that the refusal is now retrospectively invalid for criminal penalty enhancement.

42. **STRUCTURAL ERROR:** That the **defense attorney Howe had a duty to subpoena the video footage from Speedway and Frank Cox's statement from the arrest on 9/19/1998.**

43. **STRUCTURAL ERROR:** That the **defense attorney Howe had a duty to subpoena a statement from undocumented deputy Haney and/or cross examine Haney concerning the arrest on 9/19/1998.**

44. **STRUCTURAL ERROR:** That the **defense attorney Howe had a duty to challenge the driving arrest of a violently held hostage U.S. citizen by two Mexican Nationals after the vehicular ram and a 15-mile chase with also the roadside attempted murder.**

45. **STRUCTURAL ERROR:** That the **defense attorney Howe had a duty to challenge the driving arrest for the unproven, uncommitted, and uninvestigated nonreportable accident regarding the hit-and-run.**

46. **STRUCTURAL ERROR:** That the **defense attorney Howe had a duty to challenge the criminalized 1995 refusal-Order.**

47. **STRUCTURAL ERROR:** That the **attorney Howe had a duty to challenge the statutorily Incompliant enhanced PAC .1+ BAC OWI charging-instruments/conviction without expert witness testimony.**

48. **STRUCTURAL ERROR:** Defense attorney Howe had a duty **not**—to enter into the unconstitutional wholly induced 1999 plea agreement.

49. **STRUCTURAL ERROR:** Defense attorney Howe had a duty **not** to call his client a liar about the tire-iron incidents and he had a duty to actually get evidence proving the police misconduct and misprision of felonies.

Wis. Stats. § 901.03 and/or 902.01 are "**intended to afford a means for the prompt redress of miscarriages of justice,**" under *Wiborg*, 163 U.S. 632, 658 (1896). These Rules permit "**a criminal conviction to be overturned on direct appeal for "plain error"**" ... [i.e. within the *ex post facto* Implied Consent Law,] **the** [clearly erroneous criminal charging instruments, Terrorism's colorable kidnapping and covered up attempted homicide, and horrendously induced 99' plea agreements'] **ju**[dicial] **Instructions**, under *Eady*, 456 U.S. 152 (1982). "**It grants the courts of appeals the latitude to correct particularly egregious errors,**" under *Eady*, 456 U.S. 152 (1982), at 163, and *Atkinson*, 297 U.S. 157 (1936), at 160.

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH VIII

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

PLEA & SENTENCING

-vs-

ROBERT HAMMERSLEY,

Case No. 98 CT 1403

Defendant.

BEFORE: Honorable William M. Atkinson
Circuit Court Judge, Br. VIII

DATE: January 12, 1999

PLACE: Brown County Courthouse
Circuit Court, Branch VIII
100 South Jefferson Street
Green Bay, Wisconsin 54301

A P P E A R A N C E S

JOHN F. LUETSCHER, Deputy District Attorney, P.O. Box
23600, Green Bay, Wisconsin 54305, appearing on behalf of the
plaintiff.

MARK P. HOWE, Attorney at Law, 414 East Walnut Street,
Suite 290, Green Bay, Wisconsin 54301, appearing on behalf of the
defendant.

ROBERT E. HAMMERSLEY, the defendant, appearing in
person.

Jennifer J. Fick, RPR
Official Court Reporter

P R O C E E D I N G S

THE COURT: State of Wisconsin versus Robert Hammersley, 98 CT 1403. State appears by John Luetscher. Defendant appears in person with Mark Howe.

MR. HOWE: Your Honor, I'm handing you a plea questionnaire and waiver of rights form. My client will be pleading to the hit-and-run charge and a drunk driving charge, count three, operating with prohibited alcohol concentration, third offense.

THE COURT: Mr. Hammersley, did you go over this plea form questionnaire very carefully with your attorney?

THE DEFENDANT: Yes.

THE COURT: Do you understand all your constitutional rights?

THE DEFENDANT: Yes.

THE COURT: Do you understand the elements for the offense of hit and run attended vehicle?

THE DEFENDANT: Yes.

THE COURT: Do you understand the elements of operating with a prohibited alcohol concentration?

THE DEFENDANT: Yes.

THE COURT: And how many times before have you been convicted of drunk driving offenses?

THE DEFENDANT: Just once before and I don't -- I had a refusal before.

1 THE COURT: I see. So that's why they are charging
2 you with a third offense because you had the one refusal and
3 the one drunk driving?

4 MR. HOWE: (Nods head.)

5 THE DEFENDANT: (Nods head.)

6 THE COURT: All right. Mr. Howe, are you satisfied
7 your client understood your explanation of his
8 constitutional rights and the elements of the two offenses?

9 MR. HOWE: Yes, Your Honor.

10 THE COURT: What's your plea to hit and run?

11 THE DEFENDANT: No contest.

12 THE COURT: And what's your plea to operating with
13 a prohibited alcohol concentration, third offense?

14 THE DEFENDANT: No contest.

15 THE COURT: Court accepts the pleas and find they
16 are made knowingly and voluntarily, a factual basis exists,
17 make a finding of guilty on counts one and three.

18 State's position on count two?

19 MR. LUETSCHER: Dismiss it, please, Judge.

20 THE COURT: Motion granted.

21 MR. LUETSCHER: Judge, as to sentencing on, first
22 of all, the prohibited blood alcohol count, I would ask you
23 to follow the guidelines. Defendant had a .17 blood alcohol
24 level at the time of his arrest or shortly thereafter.
25 Under the guidelines that I believe were in effect last

1 September, I would ask you to impose a \$650 fine and costs
2 for a total of \$1253.50. I'd ask you to impose a jail
3 sentence of 45 days, a 27-month revocation of the
4 defendant's license, of course the AODA assessment which is
5 mandatory. At this point I don't have a position on the
6 title forfeiture-interlock device issue. If I could have a
7 moment, I'll review the discovery materials when I finish.

8 On the hit and run, I'd ask you to withhold
9 sentence and place the defendant on probation for one year.
10 I'd ask that you impose the minimum mandatory fine of \$300
11 and costs. I ask you to order the restitution in an amount
12 to be set if it's not covered by insurance, and I'd also ask
13 you to order the AODA assessment and follow through with the
14 recommendations for treatment. And obviously the AODA
15 assessment on the two counts can be the same.

16 I think all of the State's recommendation I
17 think is self-explanatory really. I don't have anything
18 else to add. Obviously it's a serious drunk driving matter
19 any time there is an accident involved.

20 THE COURT: Mr. Howe?

21 MR. HOWE: Your Honor, Mr. Hammersley is 22 years
22 old. He is a graduate of Oconto Falls High School, a
23 lifelong resident of Green Bay and Oconto. He is employed
24 full time at a foundry, Bay Engineer Castings. He's a core
25 maker, so he's dealing with chemicals, hot sand, overhead

1 cranes, acid, things like that. That's a dangerous job
2 where people get killed and hurt. He's been burned by acid
3 himself at work. It's a kind of job -- I've had other
4 clients work at foundries too. They have this -- they work
5 four days a week so they can have a three-day weekend
6 because they have to unwind. They have to be alert or they
7 can be hurt or killed.

8 He lives at home with his parents and
9 siblings. He does not have a criminal record other than the
10 other drunk driving offense.

11 My recommendation is for the minimum
12 penalties on both the drunk driving charge and on the hit
13 and run. So, for the hit and run, I'm just asking for a
14 \$300 fine, and I want to take some time to explain to you a
15 bit about this case.

16 I don't know if you've seen the complaint,
17 but it's obviously a little unusual what happened in this
18 case. It involved an accident and then a motor vehicle
19 chase and eventually a scuffle in a Speedway gas station. I
20 wanted to first point out, though, that the conviction of
21 both of these offenses already, just the hit and run
22 conviction, is a big punishment for my client. The State
23 would not reduce that and, as a result, it's a third and
24 fourth major offense and he becomes a habitual traffic
25 offender today. He's got a five-year revocation and

1 two-year wait for an occupational. I want to point out no
2 one was hurt from this accident, and I know the people in
3 the other car want to sue my client because they
4 coincidentally called me looking for an attorney to sue him.

5 What's going on here is Mr. Hammersley is
6 giving up a coercion defense on the hit-and-run charge. If
7 it had gone to trial, it would have gone on that count. He
8 had a belief that he was facing imminent death or great
9 bodily harm if he did not flee from the site of the
10 accident, specifically from the two Hispanic males that were
11 in the other car.

12 Mr. Hammersley told me he had been driving
13 westbound on Main Street, admittedly was intoxicated. The
14 motor vehicles -- the other motor vehicle was eastbound on
15 Main Street and they hit. There is a dispute as to who
16 crossed the center line, and there is a belief on my
17 client's mind that somebody in the other car who was driving
18 may have been drunk as well.

19 But in any event, the vehicles hit, and the
20 accident occurred on Main Street between Roosevelt and Clay.
21 Mr. Hammersley said he immediately turned right off after
22 Main Street and pulled off onto the east side of Clay and
23 parked, and the other car pulled up next to him and it had
24 the two males next to him. One of them could speak English
25 better. He was on the passenger side and they were yelling

1 at him, and the other one said, "Now we got you," and held
2 up a tire iron.

3 He believed he was going to get beat up, so
4 he drove north on Clay east on Cedar, south on Roosevelt,
5 and back on Main to Webster to 41. The whole time he was
6 being pursued by the gentlemen in the other motor vehicle.
7 He said that they had bumped his car. I've got all these
8 photographs of his car. It did have little scratches and
9 things on it. At a light he says he was bumped. They tried
10 to stop him, they were yelling at him.

11 They pursued him on Webster up on 41. They
12 pursued him on 41. They tried to stop him on the 41 bridge,
13 and he feared they would throw him off the bridge if he
14 stopped. They kept going north near the Little Suamico area
15 where he's from. He pulled into Speedway and they pursued
16 him, and a scuffle ensued where his shirt came off. And
17 Frank Cox called 911, who is an employee of Speedway,
18 reported that there was three people fighting.

19 And my client's fear of them simply because
20 of what happened and because they were Hispanic may sound
21 irrational, but let me explain that. My client has evidence
22 that could have corroborated the reasonableness of his
23 belief was that some years ago he had a cousin in New Mexico
24 who was beaten up and brain damaged by a couple of Hispanic
25 gentlemen. And two years ago he was a passenger in a car

1 that was driving on Main Street in Green Bay with three
2 other friends, and my investigator had talked to a couple of
3 these other gentlemen who were in that car, one of whom is
4 now a maintenance supervisor. Their names are Stan Novak
5 and Kyle Erickson.

6 And I won't read you their entire statements,
7 but the long and the short of it is these gentlemen were in
8 their car and a car full of Hispanic males pulled up
9 alongside and began hurling insults and had followed their
10 car and eventually had come to a stop sign or stoplight and
11 had gotten out and surrounded their car. And there is one
12 witness who says that one of the men had a baseball bat.
13 Another witness said more than one of them had a baseball
14 bat. And then a police car happened to notice this and
15 intervened and stopped and investigated and cleared these
16 guys and they were freed to leave and my investigator,
17 because we don't know any names, was not able to get the
18 police reports.

19 So, my client basically from past experience
20 had a concern that he was about to get beat up and from his
21 relative too. But the Court should also know my client has
22 family from New Mexico, and he's part Hispanic himself. So,
23 whatever the Court wants to think of that, I don't know.
24 But the bottom line is I think the hit and run, he's been
25 punished enough. He's giving up his rights here to plea to

1 says he was in jail for 12 hours so I'm asking for one day
2 sentence credit. And finally with respect to the motor
3 vehicle, he does own a car, and I'm asking that the Court
4 can lift the title transfer stop so he can sell the car
5 since he can't drive for two years anyway. Or alternatively
6 skip the ignition interlock device since he can't drive for
7 two years. Thank you, Your Honor.

8 MR. LUETSCHER: Judge, could I just be heard
9 briefly?

10 THE COURT: Sure.

11 MR. LUETSCHER: One thing is as far as the cause of
12 the accident, I think that Mr. Madson formulating this offer
13 did give the defendant the benefit of the doubt about what
14 caused the accident. In other words, I asked you for the
15 left-side guidelines as opposed to the right-side guidelines
16 and so that, you know, I'm not necessarily alleging that he
17 was at fault for the accident. I don't know that the
18 accident was investigated very completely. It doesn't look
19 like it was.

20 The other thing, the chase and the coercion
21 defense, the police reports really don't support that.
22 There was a chase, but the Hispanic male individuals -- I
23 suppose I should give them names. Mr. Hernandez, the driver
24 of the other vehicle, said that the chase took place because
25 the defendant wouldn't stop. And he got him to stop one

1 time and then he took off again and that's why they pursued
2 him up to the Speedway on Highway 41 and that's why the
3 scuffle ensued.

4 The accident was not really serious, although
5 Mr. Hernandez did say that his vehicle was spun around as a
6 result of the accident. So, I don't agree with that
7 representation on the hit and run. I can't.

8 Finally, the thing about the refusal, that
9 refusals are much less serious, refusals are very serious,
10 and under the law a refusal is given the exact same weight,
11 if you will, on a person's driving record as a drunk driving
12 conviction. And there is a reason for that because if it
13 wasn't like that, a person could thwart the drunk driving
14 prosecution process by simply refusing to submit to the
15 blood test. So really no weight should be given to that
16 argument.

17 THE COURT: Mr. Hammersley, did you wish to
18 comment, sir?

19 THE DEFENDANT: Yeah. I'm sorry for drunk driving,
20 Your Honor.

21 THE COURT: For your last drunk driving you were
22 ordered to go through an alcoholic assessment, and what did
23 you do after that? Did you have to go to some courses or
24 some program?

25 THE DEFENDANT: Yeah. I'm still in the program

1 right now. I'm close to finishing it up.

2 THE COURT: All right. Anything else you want to
3 tell me, sir?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: I consider refusals the same as a drunk
6 driving conviction. Otherwise they could just be used to
7 escape the legal ramifications of another drunk driving
8 conviction. I presume a person refuses to take the test
9 because they believe they are drunk and they don't want that
10 evidence to be allowed to exist and they refuse. And the
11 law gives me the right to make this inference. I think the
12 law requires I do. That's why you are charged with a third
13 offense even though this is a refusal. So, I don't consider
14 this to be your second, second and a half, or second and
15 three quarters. It's your third. I presume for purposes of
16 sentencing you were drunk when you refused.

17 For the OWI, the Court will impose a fine of
18 \$650 plus costs payable in one year, 45 days in the county
19 jail, 26 months revocation of driver's license, and
20 court-ordered alcoholic assessment.

21 For the hit and run, I think it provides a
22 good opportunity for you to get some help with some
23 incentive to get help by placing you on probation with a
24 withheld sentence. So, you know that if you don't go
25 through your alcoholic assessment and the follow through

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STATE OF WISCONSIN)
)
COUNTY OF BROWN)

I, JENNIFER J. FICK, Official Court Reporter for the
Circuit Court of Brown County, Wisconsin, do hereby certify
that I reported the foregoing matter and the foregoing
transcript has been carefully prepared by me with my
computerized stenographic notes as taken by me in machine
shorthand, and by computer-aided transcription thereafter
transcribed, and that it is a true and correct transcript of
the proceedings had in said matter, to the best of my
knowledge and ability.

DATED: December 6, 2018

Electronically signed by:

Jennifer J. Fick
Registered Professional Reporter

STATE OF WISCONSIN

CIRCUIT COURT

BROWN COUNTY

State vs Robert E Hammersley

FILED

JAN 20 1999

**JUDGMENT OF CONVICTION AND
SENTENCE TO THE COUNTY
JAIL/FINE/FORFEITURE**

Date of Birth: 03-23-1976

Case No.: 98CT001403

CLERK OF COURTS
BROWN COUNTY, WI

The defendant was found guilty of the following offense(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To
3	Operating while Intox.-BAC .1%+ (3rd)	346.63(1)(b)	No Contest	Misd. U	09-19-1998	01-12-1999

The defendant is convicted on 01-12-1999 as found guilty and is sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Conc. with/Cons. to/Comments	Begin date	Begin time	Agency
3	01-12-1999	Alcohol assessment					
3	01-12-1999	Forfeiture / Fine					
3	01-12-1999	Local jail	45 DA	Court allows goodtime and huber	01-12-1999	10:00 am	BCJ
3	01-12-1999	License revoked	26 MO				

Obligation Detail:

Ct.	Schedule	Amount	Days to Pay	Due Date	Failure to Pay Action	Victim
3	Misd DIS - w/CC	1223.50		01-12-2000	Fine Review Hearing	

Obligation Summary:

Ct.	Fine & Forfeiture	Court Costs	Attorney Fees	Restitution	Other	Mand. Victim/ Witness Sur.	5% Rest. Surcharge	DNA Analysis Surcharge	Totals
3	809.50	360.00			4.00	50.00			1,223.50

Total Obligations:
1,223.50

It is adjudged that 1 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes.

Special Conditions:

It is ordered that the Sheriff shall execute this sentence.

BY THE COURT:

William Atkinson, Judge
John P Zakowski, District Attorney
Mark Howe, Defense Attorney
County Sheriff

Norma Martz
Circuit Court Judge/Clerk/Deputy Clerk
1-20-99
Date

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 8

BROWN COUNTY

State vs Robert E Hammersley

FILED**JUDGMENT OF CONVICTION**

Date of Birth: 03-23-1976 JAN 20 1999

Sentence Withheld, Probation Ordered

Case No.: 98CT001403

The defendant was found guilty of the following offense(s):

BROWN COUNTY, WI

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To
1	Hit and Run	346.67(1)	No Contest	Misd. U	09-19-1998	

IT IS ADJUDGED that the defendant is convicted on 01-12-1999 as found guilty and is sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency
1	01-12-1999	Withheld, Probation Ordered	1 YR		DOC

Conditions of Sentence or Probation

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
379.00	20.00		TBD	4.00	50.00		

Miscellaneous Conditions:

Ct.	Condition	Agency/Program	Comments
1	Fine		
1	Restitution		Restitution to be determined
1	Alcohol treatment		AODA Assessment/Treatment
1	Other		Court lifts title hold and orders defendant sell automobile

IT IS ADJUDGED that 0 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes.

IT IS ORDERED that the Sheriff execute this sentence.

BY THE COURT:

William Atkinson, Judge
 John P Zakowski, District Attorney
 Mark Howe, Defense Attorney

Norma Marshall
 Circuit Court Judge/Clerk/Deputy Clerk
 1-20-99
 Date

-139-

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH IV

BROWN COUNTY

IN THE MATTER OF JOHN DOE.

DECISION AND ORDER

CASE NO. 13-ID-24

NATURE OF THE CASE

Before the Court is a John Doe complaint, filed October 24, 2013 by Robert Edgar Hammersley ("Hammersley"). In the complaint, Hammersley alleges that an attempted homicide occurred in September 1998 in connection with an incident in which he was charged with hit and run involving an attended vehicle and operating while intoxicated. Because the matter at issue in Hammersley's complaint has already been addressed by the Green Bay Police Department and the Brown County District Attorney's Office, this matter will not be forwarded to the district attorney and Hammersley's complaint will be **DISMISSED**.

ANALYSIS

This case involves a John Doe complaint filed under Wisconsin Statutes section 968.26. Under this statute, a judge shall refer a John Doe complaint to the district attorney whenever a person claims to have "reason to believe that a crime has been committed within the judge's jurisdiction." Wis. STAT. § 968.26(2)(am) (2011-12). If a judge refers the matter to a district attorney but the district attorney refuses to issue charges, the district attorney shall forward to the judge any investigative reports, along with the case file and a written explanation for the refusal to issue charges. *Id.* at (2)(b). After considering those materials and any other written records the judge finds relevant, the judge shall convene a proceeding if the judge determines that it is "necessary to determine if a crime has been committed." *Id.*

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However, a judge is not required to forward a John Doe complaint to the district attorney in every instance. A judge only has a mandatory duty to forward a John Doe complaint to the district attorney when "the four corners of the complaint provide a sufficient factual basis to establish an objective reason to believe that a crime has been committed in the judge's jurisdiction." In re John Doe Petition, 2010 WI App 142, ¶¶ 10-11, 329 Wis.2d 724, 793 N.W.2d 209. Therefore, unless Hammersley has provided a sufficient factual basis to give the Court an objective reason to believe that a crime has been committed, the Court must dismiss his complaint without forwarding the matter on to the district attorney.

In the case before the Court, Hammersley alleges that individuals whose vehicle he hit on September 19, 1998 committed attempted homicide when they threatened him with a tire iron and threw the tire iron into his vehicle while he was driving at 55 miles per hour. However, the incidents of September 19, 1998 have already been investigated by the Green Bay Police Department and addressed by the Brown County District Attorney's Office.

The Criminal Complaint in Brown County case number 1998-CT-1403, which Hammersley attached to his complaint, charged Hammersley with one count of hit and run-attended vehicle, one count of operating while intoxicated – 3rd offense, and one count of operating with a prohibited alcohol concentration – 3rd offense. Wisconsin Circuit Court Access records demonstrate that Hammersley pled no contest to the hit and run and operating with a prohibited alcohol concentration charges on January 12, 1999.

The Criminal Complaint provides the following explanation of the events of September 19, 1998, based upon the report of Officer Reetz of the Green Bay Police Department:

[O]n September 19, 1998, at approximately 3:24 A.M. in the City of Green Bay, Brown County, Wisconsin, [Officer Reetz] was dispatched to the intersection of US Highway 41 northbound and the Speed Way Gas Station. Upon arrival, Reetz states that he spoke with a Francisco Hernandez, an ordinary citizen witness

believed to be truthful and reliable, who indicated that he had been driving his vehicle at the approximate location of Main Street and Clay Street when a vehicle driven by Robert E. Hammersley, the defendant, collided with his vehicle causing damage to the front bumper and the front end of the vehicle and damage to the headlight on the driver's side, causing the headlight to be broken out. Hernandez further told Officer Reetz that after the accident, the driver of the vehicle left the scene of the accident and went down Clay Street to Cedar and then eastbound on Cedar to Roosevelt Street where he was finally stopped by Hernandez and his front seat passenger. Hernandez further indicated that after they stopped him and told him to wait until the police arrived, Hammersley suddenly fled westbound on Main Street and then northbound on Webster Avenue. Hernandez indicates he followed Hammersley to the Speed Way Gas Station on US 41 northbound where they chased him into the gas station and held him there until police arrived. The report of Officer Reetz further indicates that in speaking with Hammersley, he stated that he had been going to the California Strip Club and must have missed his turn. He then stated he wasn't sure that he was on Main Street but he went on to state that he didn't know how the accident happened. He stated he drove off and the driver of the car followed him and made him stop. Hammersley further stated that he knew he was drunk and that he did not want to get arrested. Hammersley changed his story about five minutes later and stated that he was scared and didn't know why he was being chased and that stated that [sic] the driver threw a tire iron into his car as they were going northbound on Highway 41. Said report of Officer Reetz further indicates that as he was speaking with Hammersley, he asked him [if] he had been driving and fled the scene of the accident and Hammersley stated yes, that he was scared of being arrested again and he requested that Hammersley perform some field sobriety tests. He asked him to perform a HGN test and he observed six out of a possible six clues. He further requested him to perform the Walk and Turn test [during] which he was unable to maintain a steady start position, walk heel to toe, [or] walk while keeping his balance and he took the improper number of steps, almost falling and had to be caught by officers. On the One Leg Stand test, Hammersley tried to raise his right leg first and could not follow directions at all and placed his right foot down after he got to 1006 and also kept raising his arms for balance and was hopping and then put his foot down at 1012. He then began using his left foot and put that foot down after reaching 1016 and would repeat numbers as he counted and would count by two's [sic]. The report of Officer Reetz further indicates that a check of Hammersley driving record was run which revealed that Hammersley had two prior convictions as counted towards [sic] prior OWI offenses. An implied consent conviction on 11-27-95 for an offense date of 10-28-95 and a conviction for operating while intoxicated on 06-10-97 for an offense date of 03-16-97. Further, it would appear that Hammersley was transported to St. Vincent Hospital and consented to providing a sample of blood which revealed the presence of .17% by weight of alcohol [sic].

(Criminal Complaint, Brown County case number 1998-CT-1403, filed December 2, 1998.)

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.

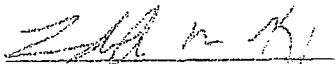
The Court defers to the analysis of the police and the district attorney *done at the time of* the incident. It would be inappropriate for the Court to send this case back to the district attorney now to, essentially, reinvestigate an alleged crime 15 years after-the-fact when those in the best position 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**.

Dated at Green Bay, Wisconsin, this 21st day of November, 2013

BY THE COURT:



Honorable Kendall M. Kelley
Circuit Court Judge, Branch IV

Cs: Robert Edgar Hammersley

KENDALL M. KELLEY

Circuit Judge

MICHELE TADYCH

Judicial Assistant

(920) 448-4116

**JANE SWAGEL**

Court Reporter

(920) 448-4117

LEANN ABREU

Court Coordinator

(920) 448-4133

CIRCUIT COURT BRANCH IVBROWN COUNTY COURTHOUSE
100 SOUTH JEFFERSON STREET
P.O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600

December 17, 2013

Mr. Robert Hammersley
309 Bayside Road
Little Suamico, WI 54141-8713Re: *In the Matter of John Doe*
File No.: 13-JD-24

Dear Mr. Hammersley:

I am in receipt of your recent letter. After reviewing the file, my prior Decision and Order, and your Motion for Reconsideration, I do not find that a legal or factual basis exists for granting your request. Consequently, your Motion for Reconsideration is denied.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kendall M. Kelley".

Kendall M. Kelley
Circuit Judge

KMK/mmt

cc: District Attorney's Office

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Wisconsin Supreme Court and Court of Appeals Case Access

Robert Hammersley v. Micki McCaff

Appeal Number 2014AP000819

Court of Appeals District 3

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	CA	04-23-2014		Statement on Transcript
		Comment: case dismissed		
OCCD	CA	05-21-2014		Remittitur
		Comment: T/J to trial court		
OCCD	CA	04-16-2014		Opinion/Decision
		Judge Panel: Hoover, Mangerson, Stark		
		Opinion: Memo Opinion		
		Decision: Dismissed Pages: 1		
		Order Text: IT IS ORDERED that this appeal is dismissed.		
OCCD	CA	04-14-2014		Sua Sponte
		Filed By: Unassigned District 3		
		Submit Date: 4-14-2014		
		Decision: (M) Dismiss		
		Decision Date: 4-16-2014		
		IT IS ORDERED that this appeal is dismissed.		
		Comment: Review of appeal		
OCCD	CA	04-14-2014		Notif. Sent-Filing of NAP & Ct. Record
OCCD	CA	04-14-2014		RAP and Guide Sent
OCCD	CA	04-14-2014		Indigency Forms Sent
		Filed By: Unassigned District 3		
		Submit Date: 4-16-2014		
		Decision: (N) No Action		
		Decision Date: 4-16-2014		
		no action, appeal dismissed		
OCCD	CA	04-14-2014		Attorney address updated
		Comment: Address changed for attorney: 32425 Anthony S. Wachewicz, III		

WSCCA Case History

OCCD	CA	04-11-2014	Notice of Appeal & Court Record
OCCD	CA	04-09-2014	Notice of Appeal filed in Cir. Ct.
OCCD	CA	03-31-2014	Order of Circuit Court

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH V

BROWN COUNTY

ROBERT HAMMERSLEY,

Plaintiff,

v.

MICKI MCCAFH, BROWN COUNTY CIRCUIT
COURT, GREEN BAY POLICE DEPARTMENT,
and HOWARD SUAMICO POLICE DEPARTMENT,

Respondent.

DECISION AND ORDER

Case No. 14-GF-10

PROCEDURAL POSTURE

Before the Court is a Petition for Waiver of Fees and Costs filed by Robert Hammersley ("Hammersley"). Because Hammersley's underlying Petition for Writ of *Habeas Corpus* lacks merit, the Petition for Waiver of Fees and Costs will be **DENIED**.

ANALYSIS

Habeas corpus is an extraordinary writ and is available to a petitioner only under limited circumstances. *See, e.g., Hays v. McKeon*, 2002 WI 43, ¶ 12, 252 Wis. 2d 133, ¶ 12, 643 N.W.2d 771, ¶ 12. An individual seeking *habeas corpus* relief must demonstrate: (1) that his or her liberty is restrained; (2) that the restraint was imposed without jurisdiction or contrary to constitutional protections; and (3) that there was no other adequate remedy available in the law. *Id.*

In his *habeas corpus* petition, Hammersley asserts that "he was denied access to a hearing that may have established his innocence" in regard to charges of hit and run and operating while intoxicated in Brown County case number 98-CT-1403. Hammersley further asserts that he is currently in custody in the Wisconsin State Prison System on a separate charge that is being illegally enhanced by the 98-CT-1403 conviction. Presumably, Hammersley is referring to his charge 6th offense operating while intoxicated conviction in Brown County case

number 08-CF-1114, for which he appears to be on active community supervision, although he also references Brown County case number 05-CF-361 in which he was convicted of 5th offense operating while intoxicated.

The crux of Hammersley's lengthy petition is that sufficient investigation was not done in regard to what he classifies as an "attempted homicide" involving a tire iron being thrown at his vehicle by another/other individual(s) in connection with the facts underlying his convictions in 98-CT-1403. Such alleged attempted homicide was the focus of a John Doe petition Hammersley filed in Brown County case number 13-JD-24. That petition was denied without a hearing, and it is this denial of a hearing which Hammersley appears to contest.

First, *even if*, an attempted homicide actually took place, such action does not in any way suggest that Hammersley was innocent of the crime of operating while intoxicated. Therefore, use of the prior conviction for operating while intoxicated in 98-CT-1403 for penalty enhancement purposes on subsequent operating while intoxicated convictions is not rendered illegal based upon a supposedly uninvestigated offense committed by another/other individual(s).


Additionally, Hammersley suggests that he has no other remedy based on his denial of a hearing because he cannot appeal a John Doe denial. This is simply inaccurate. However, the Court also notes that the resolution of the John Doe case Hammersley filed has absolutely no bearing on any of his own criminal charges or convictions.

CONCLUSION & ORDER

Based on the foregoing, it is hereby **ORDERED** that Hammersley's Petition for Waiver of Fees and Costs is **DENIED**.

Dated at Green Bay, Wisconsin, this 11 day of March, 2014

BY THE COURT:


Honorable Marc A. Hammer
Circuit Court Judge, Branch V

Distribution:
Clerk of Circuit Court-original
Mr. Robert Hammersley

2

-148-

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH V

BROWN COUNTY

ROBERT HAMMERSLEY,

Plaintiff,

v.

**DECISION AND ORDER
ON RECONSIDERATION**MICKI MCCAFH, BROWN COUNTY CIRCUIT
COURT, GREEN BAY POLICE DEPARTMENT,
and HOWARD SUAMICO POLICE DEPARTMENT,

Case No. 14-GF-10

Respondent.

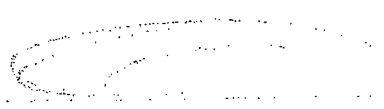
Before the Court is a Motion for Reconsideration of Denial to Proceed with Waiver of Fees and Costs filed by Robert Hammersley. The Court has reviewed the motion and finds that it does not provide any basis for the Court to revisit its March 4, 2014 Decision and Order. The Court stands behind its analysis as set forth in that Decision and Order and incorporates it by reference.

CONCLUSION & ORDER

Based on the foregoing, it is hereby **ORDERED** that Robert Hammersley's Motion for Reconsideration of Denial to Proceed with Waiver of Fees and Costs is **DENIED**.

Dated at Green Bay, Wisconsin, this 28 day of April, 2014

BY THE COURT:


Honorable Marc A. Hammer
Circuit Court Judge, Branch V

Beacon Investigative Solutions**Date:** 2016-10-18 14:38:00**Case #:** 2016-08-03764-LO-01

File Name	Description	Download	File Size
Cisneros _ Criminal Dockets.pdf		(attached to email)	188.4 KB
Hernandez _ Criminal Docket.pdf		(attached to email)	58.9 KB

Dear Robert,**We have obtained the following additional information in this investigation:****Francisco Hernandez**

Francisco Hernandez (DOB 6/12/1971) of 1220 McCormick St, Green Bay, WI, was identified as the driver of the adverse vehicle in the subject collision of 9/19/1998, which also involved a vehicle driven by Robert Hammersley, per the incident report from Green Bay Police Department (Case # 98-57347).

We positively identified Francisco Hernandez by name, DOB, and his prior address history.

Francisco Hernandez's most recent reported residential address is 1630 Farlin Ave, Green Bay, WI 54302.

Francisco Hernandez can be contacted at cell phone number 702-768-9581.

On 10/8/2015, we spoke with Francisco Hernandez about his recollection of the subject collision. Francisco Hernandez claimed to have no independent recall of the subject collision, and even after significant prompting of the details of the collision, he said he could not recall being involved in the collision.

When questioned as to whether he recalled an acquaintance by the name of Alvaro Cisneros-Razo, he denied having ever known anyone by that name.

For client's information: Following our conversation, we determined that a criminal complaint and warrant alleging 1st Degree Sexual Assault of Child was filed against Francisco Hernandez (DOB 6/12/1971) in Brown County Circuit Court on 6/16/2004. The most recent docket entry indicates the case was transferred to another court venue on 8/1/2007. The case remains open, to date.

Alvaro Cisneros-Razo

The Green Bay Police Department incident report for the subject incident (case # 98-57347) identifies Alvaro Cisneros-Razo (DOB 11/28/1976) of 2255 Imperial Lane, Apt 12, Green Bay, WI, as a passenger of the adverse vehicle in the subject collision of 9/19/1998.

To date, we have been unable to locate this individual.

We determined Alvaro Cisneros (DOB 11/28/1976) was charged with Theft of Movable Property, and Operating a Vehicle Without Consent, in Brown County Circuit Court on 6/9/2000. He pleaded Guilty / No Contest to the theft charge, and was sentenced to 30 days in jail. The other charge was dismissed. The address listed for Cisneros on the docket was 1311 Cedar St., Green Bay, WI 54301.

Prior criminal charges of Bail Jumping (filed 2/23/2000) and Possession of Cocaine (filed 9/23/1999) were filed against Alvaro Cisneros (DOB 11/28/1976) in Brown County Circuit Court. Both dockets list an address of 1168 Day St., Apt. #2, Green Bay, WI 54302. A search of

Brown County GIS data yielded no record of any residence or commercial property located at 1168 Day St., Green Bay, WI, and a search of investigative database records yielded no record of any past inhabitants at this location. This appears to be a fictitious address. We have conducted a diligent search of investigative, public record, and credit-related databases but find no further records pertaining to Alvaro Cisneros a.k.a. Alvaro Cisneros-Razo (DOB 11/28/1976).

We find no record of any Social Security Number reportedly used by Alvaro Cisneros a.k.a. Alvaro Cisneros-Razo (DOB 11/28/1976).

We find no record of any reported address history in the U.S. for Alvaro Cisneros a.k.a. Alvaro Cisneros-Razo (DOB 11/28/1976), apart from what is cited in the court dockets and police report.

We found record of a Facebook profile matching the name Alvaro Cisneros Razo (<https://www.facebook.com/alvarocisnerosrazo/>), but it has no profile photo and no other publicly disclosed identifying information. Security settings prohibit public viewing of nearly all sections of this profile (e.g., friends, family, timeline, photos, etc.) We have submitted a "friend request" to this individual and will provide additional information if any further details are obtained at a later date.

Alvaro Cisneros Razo | Facebook

[www.facebook.com](https://www.facebook.com/alvarocisnerosrazo/)

Alvaro Cisneros Razo is on Facebook. Join Facebook to connect with Alvaro Cisneros Razo and others you may know. Join Facebook today to see people you may know.

We found no record of anyone else with the surname Cisneros-Razo residing currently or historically at 2255 Imperial Lane, Apt 12, Green Bay, WI; 1168 Day St., Apt. #2, Green Bay, WI 54302; or 1311 Cedar St., Green Bay, WI 54301.

We found limited record of individuals named Rolando Cisneros and Blanca Cisneros reportedly residing in 2005 at 1311 Cedar St., Green Bay, WI 54301. However, these records do not include Social Security Numbers, DOBs, telephone numbers, or reported address history for either individual.

We also found a limited record from 2006 pertaining to an individual named Jaime Razo (DOB 12/01/1979) at 1311 Cedar St., Green Bay, WI, with no other identifiers or contact information. We also found record of an individual named Hugo R. Vera-Razo (DOB 7/7/1979) who has reportedly resided in the past at two of the Subject's past addresses: 2255 Imperial Lane, Apt 12, Green Bay, WI; and 1311 Cedar St., Green Bay, WI 54301. We have identified 12 telephone numbers attributed to Hugo Vera-Razo, but to date, have been unable to reach him at any of these numbers. The most recently attributed phone numbers are Sprint cell phone number 220-544-3198 and T-Mobile cell phone number 920-791-7235. The latter number is linked to his Facebook profile (<https://www.facebook.com/profile.php?id=100005592647794&hermes>), which is maintained under the name Hugo Vera. We reviewed the 112 friends identified on his Facebook profile, and found no reference to Alvaro Cisneros a.k.a. Alvaro Cisneros-Razo, although there are links to 10 other individuals with same/similar last names (i.e., Nano Cisneros, Blanca Cisneros, Aracelly Cisneros, La Chapiz Bonita Cisneros, Ceci Razo, Giovanni Razo, Marco Razo, Maritza Razo Madrigal, Nancy Razo, and Ramon Razo), many of whom reportedly reside in Mexico. We reviewed the Facebook profiles of each of those 10 associates, but found no reference to Alvaro Cisneros a.k.a. Alvaro Cisneros-Razo among the listed friends or family

members.

Based on the above, we believe that Alvaro Cisneros a.k.a. Alvaro Cisneros-Razo may be an undocumented U.S. immigrant who has potentially returned to Mexico, or is otherwise living under a different name at this time.

At this time, all efforts in this investigation have ceased pending any further instructions.

Best,

John Powers

Director

Certified Fraud Examiner (CFE)

Beacon Investigative Solutions

Beacon International Group, Inc.

Direct: 888-557-7781

Main: 800-535-2136 x.125

Fax: 888-285-6177

jpowers@beaconinvestigation.com

Case 2005CF000361

Document 30

Filed 11-20-2020

Page 1 of 1

BY THE COURT:

DATE SIGNED: November 20, 2020

Electronically signed by Timothy A. Hinkfuss
Circuit Court Judge

TIMOTHY A. HINKFUSS
Circuit Judge

**CIRCUIT COURT BRANCH VII**

BROWN COUNTY COURTHOUSE

100 S. JEFFERSON STREET

P.O. BOX 23600

GREEN BAY, WISCONSIN 54305-3600

FILED
11-20-2020
Clerk of Circuit Court
Brown County, WI
2005CF000361

MARCIA KNOEBEL
Judicial Assistant
920/448-4121

ALI WINIECKI
Court Coordinator
920/448-4173

HEATHER BURTON
Court Reporter
920/448-4122

Mr. David Lasee
District Attorney
P.O. Box 23600
Green Bay, WI 54305-3600

Re: **Robert Hammersley Petition for John Doe Hearing**

Dear District Attorney Lasee:

Mr. Hammersley filed a Petition for a John Doe Hearing in Case Nos. 05CF361 and 98CT1403. The voluminous Petition has been efiled. Please review the documentation and get back to me as to your position.

I am referring this to you for your opinion pursuant to Wis. Stat. §962.26(2)(am) which reads:

"If a person who is not a district attorney complains to a judge that he or she has reason to believe that a crime has been committed within the judge's jurisdiction, the judge shall refer the complaint to the district attorney or, if the complaint may relate to the conduct of the district attorney, to another prosecutor under s. 978.045."

Very Truly Yours,

Timothy A. Hinkfuss
Circuit Court Judge

TAH/mmk

c: ☒ Robert E. Hammersley

Case 2005CF000361

Document 32

Filed 12-07-2020

Page 1 of 2

**OFFICE OF THE DISTRICT ATTORNEY
BROWN COUNTY**

300 E. WALNUT STREET, P.O. BOX 23600
GREEN BAY, WI 54305-3600
PHONE (920) 448-4190, FAX (920) 448-4189

FILED

12-07-2020

Clerk of Circuit Court

Brown County, WI

2005CF000361

DAVID L. LASEE
DISTRICT ATTORNEY

DEPUTY DISTRICT ATTORNEYS

Dana J. Johnson
Mary M. Kerrigan-Mares
Wendy W. Lomkail

**VICTIM WITNESS COORDINATOR**

Kim Pausier
(920) 448-4194

SPECIAL PROSECUTOR

Jessica R. Petras

ASSISTANT DISTRICT ATTORNEYS

John Luetscher
Amy R.G. Pauzke
Kevin G. Greene
Eric R. Enli
Kari A. Hoffman
Hannah N. Schuchart
Kimberly A. Hardtke
Caleb J. Saunders
Meranda J. Hillmann
Jill L. Vendetti
J. Foss Davis
Jonathan J. Gigot
Aaron Linssen

December 07, 2020

Honorable Timothy A. Hinkfuss
Circuit Court Judge, Branch 7
Brown County Courthouse
100 S. Jefferson Street
Green Bay, WI 54301

RE: State of Wisconsin vs. Robert Edgar Hammersley
Brown County Case No.: 1998CT001403, 2005CF361

Dear Judge Hinkfuss:

I have had the opportunity to review the petition filed by Mr. Hammersley on or about September 21, 2020, the letter from the Court from November 20, 2020, asking for the State's position on the petition, as well as Mr. Hammersley's lengthy filing from December 2, 2020, which appears to largely mirror his filing from September. While Mr. Hammersley frames his motion as a petition for a John Doe hearing, he appears instead to be attempting to challenge his convictions from Brown County cases 1998CT1403 and 2005CF361 by now alleging illegal conduct on the part of the arresting officers in those case.

For a litany of reasons, our office will not pursue any criminal action against the officers based on Mr. Hammersley's filings. First, I find that his allegations have no merit. Second, as stated above, he simply appears to be re-litigating issues that have already been address *ad nauseam* as part of the criminal cases references herein. Third, it's clear that our office does not believe that the officers engaged in criminal conduct during their arrest of Mr. Hammersley, as we proceeded with the prosecution against him in those matters. Finally, to the extent that any Court would find that Mr.

Case 2005CF000361

Document 32

Filed 12-07-2020

Page 2 of 2

Hammersley's allegations have any merit, such a prosecution would present a conflict of interest for our office based on the fact that the charges arise out of events which led to Mr. Hammersley's criminal prosecution. Although, I want to make clear that the State believes the first three reasons sufficiently support the Court's declining his position (again) and therefore we are not requesting that a special prosecutor be appointed.

Thank you for your consideration in this matter. Should you have any questions or concerns, please contact me at your convenience.

Electronically Signed By:
Meranda J Hillmann
Assistant District Attorney

MJH/smo

Case 1998CT001403

Document 29

Filed 12-09-2020

Page 1 of 3

FILED
12-09-2020
Clerk of Circuit Court
Brown County, WI
1998CT001403

BY THE COURT:

DATE SIGNED: December 8, 2020

Electronically signed by Timothy A. Hinkfuss
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH VII

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

DECISION AND ORDER

vs.

ROBERT E. HAMMERSLEY,

Case No. 05-CF-361
98-CT-1403

Defendant.

On September 21, 2020, the defendant, Robert E. Hammersley, asked for John Doe hearing pursuant to Wisconsin Statute §968.26 or a federal investigation with regard to case numbers 05-CF-361 and 98-CT-1403. Case 05-CF-361 was assigned to me.

Mr. Hammersley should be aware that I am not in a position to order a federal investigation as he requests. I am a state judge and state employee and not a federal judge or federal employee. I will address only the John Doe request.

In 05-CF-361, Mr. Hammersley was convicted of Operating while under Influence (5th+). Mr. Hammersley did enter a guilty plea. In 98-CT-1403, Mr. Hammersley was convicted of Hit and Run and Operating While Intoxicated. To both charges, he entered a guilty/no contest plea.

Wisconsin Statute §968.26(2)(b) reads:

"If a district attorney receives a referral under par. (am), the district attorney shall, within 90 days of receiving the referral, issue charges or refuse to issue charges. If the district attorney refuses to issue charges, the district attorney shall forward to the judge in whose jurisdiction the crime has allegedly been committed all law enforcement investigative reports on the matter that are in the custody of the

district attorney, his or her records and case files on the matter, and a written explanation why he or she refused to issue charges. The judge may require a law enforcement agency to provide to him or her any investigative reports that the law enforcement agency has on the matter. The judge shall convene a proceeding as described under sub. (3) if he or she determines that a proceeding is necessary to determine if a crime has been committed (emphasis added). When determining if a proceeding is necessary, the judge may consider the law enforcement investigative report, the records and case files of the district attorney, and any other written records that the judge finds relevant."

The case notes after the statute read:

"To be entitled to a hearing, a John Doe complainant must do more than merely allege a conclusory terms that a crime has been committed. The complainant's petition must allege facts that raise a reasonable belief (emphasis added) that a crime has been committed. *State ex rel. Reimann v. Circuit Court for Dane County*, 214 Wis. 2d 605, 571 N.W.2d 385 (1997), 96-2361."

In Wisconsin Statute §968.26(2)(d) it reads:

"In a proceeding convened under par.(6), the judge may issue a criminal complaint if the judge finds sufficient credible evidence to warrant (emphasis added) a prosecution of the complaint. The judge shall consider, in addition to any testimony under par. (c), the law enforcement investigative reports, the records and case files of the district attorney, and any other written reports that the judge finds relevant."

Wisconsin Judicial Benchbook Criminal and Traffic reads:

"Standard is essentially whether Judge can find prosecutive merit (emphasis added) for the matter to proceed" (CR 48-16)

Based upon the standards and the facts in these cases, I am denying the request for a John Doe hearing by the defendant, Robert E. Hammersley. I do not find prosecutive merit, credible evidence or a reasonable belief that a crime has been committed. Therefore, I am dismissing the John Doe request by the defendant, Robert Hammersley.

I am dismissing the request for the following reasons. First, in a letter dated December 7, 2020, the District Attorney indicated they would not issue charges. I adopt the first three reasons listed by Assistant District Attorney Hillmann. Secondly, in both cases, Mr. Hammersley

entered a guilty/no contest plea. One has to wonder if he believes he was indeed not guilty of the charges, why did he enter a guilty/no contest plea. Thirdly, I find the officers acted appropriately after my review of the criminal complaints and the files. Fourthly, I do find that the officers acted lawfully in their stops of Mr. Hammersley for the above cases. I am specifically denying all 18 of the grounds which he has listed in the arguments section. Lastly, I do not find any of the treaties/arguments of Mr. Hammersley to be persuasive to the fact situation. He has spent considerable amount of effort to be granted a John Doe hearing. I hope Mr. Hammersley puts as much effort in not having further OWI offenses.

Electronic copy available to:
Asst. District Attorney Meranda Hillman

Authenticated copy mailed to:
Robert E. Hammersley

Case 1998CT001403

Document 33

Scanned 04-26-2021

Page 1 of 1

Beau G. Liegeois
Circuit Judge

Sally A. Menghini
Judicial Assistant
920-448-4129



Jennifer J. Fick
Official Court Reporter
920-448-4128

Dawn A. Willems
Court Coordinator
920-448-4170

CIRCUIT COURT BRANCH VIII

Brown County Courthouse
100 South Jefferson Street
P.O. Box 23600
Green Bay, Wisconsin 54305-3600

April 26, 2021

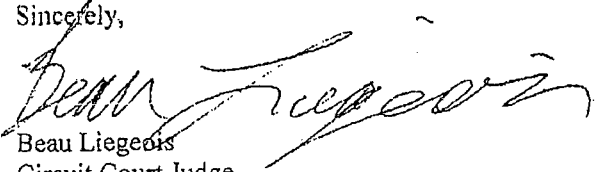
Mr. Robert Hammersley
309 Bayside Road
Little Suamico, WI 54141

Re: *State of Wisconsin v. Robert E. Hammersley*
Brown County Case No. 98 CT 1403

Dear Mr. Hammersley:

I have received your public records request dated April 12, 2021. The relevant court files you reference are all open for public inspection at the Clerk of Courts Office in the basement of the Brown County Courthouse. You are free to inspect the files and make copies, at normal fees to members of the public, any day between 8:00 a.m. and 4:30 p.m.

Sincerely,


Beau Liegeois
Circuit Court Judge

BL:sam

Electronic Copy: District Attorney

Case 1998CT001403 Document 36 Scanned 05-18-2021 Page 1 of 1



Beau G. Liegeois
Circuit Judge

Sally A. Menghini
Judicial Assistant
920-448-4129

Jennifer J. Fleck
Official Court Reporter
920-448-4128

Dawn A. Willems
Court Coordinator
920-448-4170

CIRCUIT COURT BRANCH VIII

Brown County Courthouse
100 South Jefferson Street
P.O. Box 23600
Green Bay, Wisconsin 54305-3600

May 18, 2021

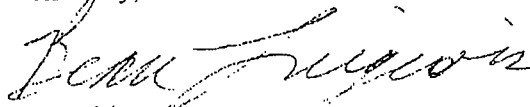
Mr. Robert Hammersley
309 Bayside Road
Little Suamico, WI 54141

Re: *State of Wisconsin v. Robert E. Hammersley*
Brown County Case No. 98 CT 1403

Dear Mr. Hammersley:

I have received your public records request dated May 7, 2021. As I previously stated in my April 26, 2021, letter, court files are all open for public inspection at the Clerk of Court's office, and copies of documents can be made at normal fees to members of the public.

Sincerely,


Beau Liegeois
Circuit Court Judge

BL:sam

Electronic Copy: District Attorney

SM

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH VII

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

ROBERT E. HAMMERSLEY,

Defendant.

AUTHENTICATED COPY
FILED

AUG - 2 2021

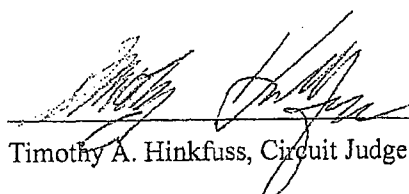
CLERK OF COURTS
BROWN COUNTY, WI

DECISION AND ORDER

Case No. 05-CF-361
98-CT-1403

I hereby deny the Petition for Reconsideration of Requested John Doe Hearing, filed
December 30, 2020, for the reasons already given.

Dated this 2 day of August, 2021.


Timothy A. Hinkfuss, Circuit Judge

Electronic copy available to:
Assistant District Attorney Meranda Hillman

Mailed copy to:
Robert E. Hammersley

Beau G. Liegeois
Circuit Judge

Sally A. Menghini
Judicial Assistant
920-448-4129



Jennifer J. Fick
Official Court Reporter
920-448-4128

Dawn A. Willems
Court Coordinator
920-448-4170

CIRCUIT COURT BRANCH VIII

Brown County Courthouse
100 South Jefferson Street
P.O. Box 23600
Green Bay, Wisconsin 54305-3600

August 3, 2021

Mr. Robert Hammersley
309 Bayside Road
Little Suamico, WI 54141

Re: *State of Wisconsin v. Robert E. Hammersley*
Brown County Case No. 98 CT 1403

Dear Mr. Hammersley:

I have reviewed your letter labeled as an "Open Records Request" dated June 9, 2021. A significant part of your letter discusses Wisconsin Statute 782.09, "Refusal of writ." Chapter 782, the Habeas Corpus chapter of the Wisconsin Statutes, only applies to persons who are presently in custody. Wisconsin Statute 782.01(1) states, "Every person *restrained of personal liberty* may prosecute a writ of habeas corpus to obtain relief from such restraint subject to ss. 782.02 and 974.06." (Emphasis added.) The Court of Appeals emphasized this point in *State ex rel. Kelley v. Posner*, 91 Wis. 2d 301, 282 N.W.2d 633 (Ct. App. 1979). Based on your filings, I have no reason to believe that you are in confinement anywhere in the State of Wisconsin, as your filings appear to come from an address in Little Suamico, and it seems you do receive mail sent to that address. It appears that you posted a cash bond in 18 CF 407 and have been making regular court appearances out-of-custody. Your repetitive filings are starting to lack proper decorum expected of court filings in the State of Wisconsin. I have given you considerable leeway as a non-lawyer filing your court documents, and I have considered them just as I would consider any filing by any lawyer or non-lawyer member of the community. However, threatening financial penalties based on statutes that do not apply to you does cross a line into unreasonable demeanor in court filings, regardless of whether you are a lawyer or non-lawyer.


Mr. Robert Hammersley
August 3, 2021
Page 2

Furthermore, the documents you included from the Court of Appeals do not even reference 98 CT 1403. According to the Court of Appeals' document dated March 18, 2019, 19 AP 500 is an appeal of 97 CT 218, 19 AP 501 is an appeal of 97 CT 219, and 19 AP 502 is an appeal of 97 CT 220. The March 27, 2019, Court of Appeals' document then uses the same three AP case numbers.

I am including the following documents from the court's file. I would emphasize again that the court's file is open for public inspection in the Brown County Clerk of Courts Office in the basement of the Brown County Courthouse any week day from 8:00 a.m. to 4:30 p.m.

1. Order Denying Petition for Reconsideration of 2013 Decision - eSigned by Judge Liegeois July 23, 2020 - reasons for denying reconsideration of petition (Document 3)
2. Decision Denying Defendant's Petition for Reconsideration Dated August 12, 2020 - eSigned by Judge Liegeois September 2, 2020 (Document 8)
3. Decision & Order - eSigned by Judge Hinkfuss December 8, 2020 (Document 29)
4. Letter response to open records request dated April 26, 2021 (Document 33)
5. Letter response to open records request dated May 18, 2021 (Document 36)

Sincerely,


Beau Liegeois
Circuit Court Judge

BL:sam

Enclosures

Electronic Copy: Meranda Hillmann, Assistant District Attorney (w/encl.)



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov**DISTRICT III**

December 22, 2021

To:

Hon. Beau Liegeois
Circuit Court Judge
Electronic Notice

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Brian Keenan
Electronic Notice

David L. Lasee
Brown County District Attorney's Office
300 E. Walnut St
Green Bay, WI 54301

Robert E. Hammersley
309 Bayside Road
Little Suamico, WI 54141

Hon. Randy R. Koschnick
Director of State Courts
Electronic Notice

You are hereby notified that the Court has entered the following opinion and order:

2021AP1269-W

Robert E. Hammersley v. Circuit Court for Brown County
(L.C. # 2013JD24)

Before Stark, P.J., Hruz and Gill, JJ.

Robert Hammersley has filed a petition for a supervisory writ of mandamus that appears to be challenging: (1) an order issued by Judge Beau G. Liegeois on July 24, 2020, denying Hammersley's petition for a John Doe investigation; (2) an order issued by Judge Liegeois on September 2, 2020, denying Hammerley's motion for reconsideration of the denial of the John Doe petition and directing Hammersely to apply to this court with any further requests for review of the John Doe proceeding; and (3) the circuit court's failure to act upon Hammersley's December 2, 2020, petition for a writ of coram nobis relating to a conviction in a 1998 Brown

No. 2021AP1269-W

County case.¹ These appear to be essentially the same issues Hammersley previously raised before this court in his “request for investigation” in No. 2021XX625.

Aside from being procedurally barred from filing successive petitions seeking the same relief, Hammersley again fails to provide any grounds that would warrant the relief he seeks. Hammersley has not provided copies of his original John Doe petition or the July 24, 2020, order denying it, and he has not identified any facts that would demonstrate the judge violated a plain legal duty by denying the petition. In addition, Hammersley continues to operate under the mistaken belief that the circuit court judge could issue a supervisory writ to himself upon reconsideration. As we have previously explained, the proper mechanism for review of an order denying a John Doe petition is by a supervisory writ petition to *this* court, *not* by a writ petition to the circuit court. See *State ex rel. Unnamed Person No. 1 v. State*, 2003 WI 30, ¶ 38, 260 Wis.2d 653, 660 N.W.2d 260.

Finally, assuming we construe the circuit court’s failure to act upon the coram nobis petition—in conjunction with its prior indication that it would not be addressing the matter further—as a constructive denial of the petition, Hammersley has not demonstrated that he was entitled to coram nobis relief.

The writ of error coram nobis is of very limited scope. It is a discretionary writ which is addressed to the trial court. The purpose of the writ is to give the trial court an opportunity to correct its own record of an error of fact not appearing on the record and which error would not

¹ The caption of the writ petition identifies the case in question as No. 1998-CF-407, while the text of the petition identifies it as No. 1998-CT-1403.

No. 2021AP1269-W

have been committed by the court if the matter had been brought to the attention of the trial court. In order to constitute grounds for the issuance of a writ of error coram nobis there must be shown the existence of an error of fact which was unknown at the time of trial and which is of such a nature that knowledge of its existence at the time of trial would have prevented the entry of judgment. The writ does not lie to correct errors of law and of fact appearing on the record since such errors are traditionally corrected by appeals and writs of error. Likewise where the writ of habeas corpus affords a proper and complete remedy the writ of error coram nobis will not be granted. On an application for a writ of error coram nobis the merits of the original controversy are not in issue.

Jessen v. State, 95 Wis. 2d 207, 213-14, 290 N.W.2d 685 (1980) (citations omitted). In short, Hammersely's complaints of "a whole slew of fundamental and/or structural errors in the 1998 conviction" are the types of alleged errors of law and fact that could have been addressed by a timely appeal, and they are not the proper subject of a coram nobis petition.

IT IS ORDERED that the writ petition is denied without costs.

Sheila T. Reiff
Clerk of Court of Appeals



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov**DISTRICT III**

February 2, 2022

To:

Winn S. Collins
Electronic Notice

Brian Keenan
Electronic Notice

David L. Lasee
Brown County District Attorney's Office
300 E. Walnut St
Green Bay, WI 54301

Robert E. Hammersley
309 Bayside Road
Little Suamico, WI 54141

Hon. Randy R. Koschnick
Director of State Courts
P.O. Box 1688
Madison, WI 53701-1688

You are hereby notified that the Court has entered the following order:

2021AP1269-W

State of Wisconsin ex rel. Robert E. Hammersley, Robert E.
Hammersley v. Circuit Court for Brown County (L.C. # 2013JD24)

Before Stark, P.J., Hruz and Gill, JJ.

Robert Hammersley moves for reconsideration of this court's order dated December 22, 2021, denying his petition for a supervisory writ of mandamus. The motion reasserts claims that have already been denied by this court. Nothing in the motion alters this court's view that the writ petition was properly denied.

Therefore,

IT IS ORDERED that the motion for reconsideration is denied.

Sheila T. Reiff
Clerk of Court of Appeals

Beau G. Liegeois
Circuit Judge

Sally A. Menghini
Judicial Assistant
920-448-4129



Jennifer J. Fick
Official Court Reporter
920-448-4128

Dawn A. Willems
Court Coordinator
920-448-4170

CIRCUIT COURT BRANCH VIII

Brown County Courthouse
100 South Jefferson Street
P.O. Box 23600
Green Bay, Wisconsin 54305-3600

February 9, 2022

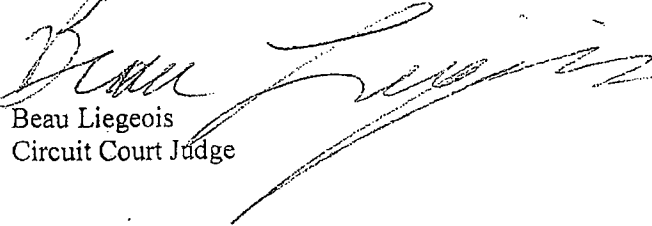
Mr. Robert Hammersley
309 Bayside Road
Little Suamico, WI 54141

Re: *State of Wisconsin v. Robert E. Hammersley*
Brown County Case No. 98 CT 1403

Dear Mr. Hammersley:

I am in receipt of your letter dated February 7, 2022, which this Court received on February 9, 2022. The Court takes no action on your petition filed on December 2, 2020. The Court rendered its decision on September 2, 2020.

Sincerely,


Beau Liegeois
Circuit Court Judge

BL:sam

Electronic Copy: Meranda Hillmann, Assistant District Attorney

Beau G. Liegeois
Circuit Judge

Sally A. Menghini
Judicial Assistant
920-448-4129



Jennifer J. Flick
Official Court Reporter
920-448-4128

Dawn A. Willems
Court Coordinator
920-448-4170

CIRCUIT COURT BRANCH VIII

Brown County Courthouse
100 South Jefferson Street
P.O. Box 23600
Green Bay, Wisconsin 54305-3600

March 2, 2022

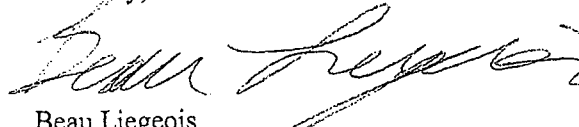
Mr. Robert Hammersley
309 Bayside Road
Little Suamico, WI 54141

Re: *State of Wisconsin v. Robert E. Hammersley*
Brown County Case No. 98 CT 1403

Dear Mr. Hammersley:

I have reviewed your Petition for Waiver of Fees and Costs and Affidavit of Indigency that was filed February 14, 2022. Wisconsin Statute sec. 814.29 is the statute that authorizes me to waive filing fees and costs. It appears that you are indigent based on the information you provided on the form, however, sec. 814.29(1)(c) states, "The court may deny the request for an order if the court finds that the affidavit states no claim, defense or appeal upon which the court may grant relief." Since this is a misdemeanor case that is over 20 years old, and all recent filings by you in this case involve a different John Doe proceeding that was denied by a different circuit court judge, I am significantly skeptical that you have a "claim, defense or appeal upon which the court may grant relief" in 98 CT 1403. Therefore, I am not waiving filing fees and costs until you can articulate a "claim, defense or appeal upon which the court may grant relief."

Sincerely,


Beau Liegeois
Circuit Court Judge

BL:sam

Electronic Copy: Meranda Hillmann, Assistant District Attorney



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

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Web Site: www.wicourts.gov

DISTRICT III

March 7, 2022

To:

Winn S. Collins
Wisconsin Dept. of Justice
PO Box 7857
Madison, WI 53707-7857

Robert E. Hammersley
309 Bayside Road
Little Suamico, WI 54141

You are hereby notified that the Court has entered the following order:

2022XX249

Robert E. Hammersley v. Circuit Court for Brown County
(L.C. ## 1998CT1403 and 2005CF361)

Before Stark, P.J., Hruz and Gill, JJ.

Robert Hammersley has filed a document captioned as "Wis. Stat. 808.02 Writ of Error" in which he appears to seek further reconsideration of an order issued by this court on December 22, 2021, in Appeal No. 2021AP1269-W, denying his petition for a writ of mandamus. However, neither a writ of error nor reconsideration are available to Hammersley in the procedural posture of that case.

A writ of error "shall be issued by the courts as the legislature designates by law." WIS. CONST. art. I, § 21(1). The legislature has designated an appeal to the court of appeal as the mechanism for seeking a writ of error to address an arguably prejudicial error that occurred during circuit court proceedings. *See State v. Pope*, 2019 WI 106, ¶21, 389 Wis.2d 390, 936 N.W.2d 606. The legislature has not authorized the court of appeals to issue a writ of error against itself. Rather, the mechanism for asking the court of appeals to review an alleged error in one of its own decisions is by reconsideration. Here, this court has already issued an order denying reconsideration on Hammersley's prior writ petition, and the time for seeking reconsideration under WIS. STAT. RULE 809.24 has now passed.

IT IS ORDERED that the motion for a writ of error seeking review of a supervisory writ decision is denied.

Sheila T. Reiff
Clerk of Court of Appeals

Robert Hamnersley
309 Bayside Road
Little Suanico, WI 54141
Home (920) 434-9322

Copy
Unanswered

January 17, 2023

U.S. Attorney's Office
205 Doty St, Ste 301
Green Bay WI 54301
Phone: (920) 884-1066

Federal Bureau-Investigation
300 N Broadway,
Green Bay, WI 54303
(920) 432-3868

RE: THREE - INSTANT INVESTIGATION REQUESTS PURSUANT TO **28 U.S.C. § 535:**
Investigation of crimes involving Government officers and employees...

Dear U.S. Attorney's Office AND/OR Federal Bureau-Investigation:

Hello U.S. Attorney's Office AND/OR Federal Bureau-Investigation I would like to and thought I had requested **28 U.S.C. § 535 FEDERAL INVESTIGATIONS—** INTO: WISCONSIN STATE CASE NOS. 97CT218-220, 98CT1403 AND/OR 05CF361. FILED AT FEDERAL EASTERN DISTRICT CLERK'S Green Bay OFFICE: a) INITIALLY REQUESTED ON 3/6/2019; b) CAPTION AMENDED ON 1/8/2020; AND c) SUPPLEMENTAL-REQUESTED SUBMISSION ON 9/28/2020; ~~BUT FOR~~ Being now may I request two separate investigations into: the original requests and why the federal court took receipt and will not disclose what happened to the filed requests.

TO-REITERATE: I would like these investigations commenced:

1) An **28 U.S.C. § 535** investigation into why past **28 U.S.C. § 535** investigation requests were not forwarded to either the Federal Bureau-Investigation and/or U.S. Attorney's Office by the federal eastern district Clerk of Courts' Green Bay office, or if the requests were forwarded why the federal eastern district Clerk of Courts' Green Bay office will not provide any documentation?

2) **28 U.S.C. § 535** FEDERAL INVESTIGATIONS—FOR: WISCONSIN STATE CASE NOS. 1997CT218-220, 1998CT1403 AND/OR 2005CF361. FILED AT FEDERAL EASTERN DISTRICT CLERK'S Green Bay OFFICE: a) INITIALLY

REQUESTED ON 3/6/2019; b) CAPTION AMENDED ON 1/8/2020; AND c) SUPPLEMENTAL-REQUESTED SUBMISSION ON 9/28/2020.

3) WITH SUPPLEMENTAL 28 U.S.C. § 535 FEDERAL INVESTIGATION REQUEST, into an incident on 9-8-2018, at roughly 1pm, surrounding a Brown County Sheriff's deputy's UNDOCUMENTED UNAUTHORIZED HOME VISIT THROUGH INTIMIDATION WITH FRAUDULENT VERBAL NO CONTACT ORDERS.

<u>Below Nameless Deputy Incident Chronology; Taken From Brown County Circuit Court <i>John Doe</i> filing on March 22, 2019 Submission:</u>	
(1) On September 8, 2018, at 1pm, a male Brown County Sheriff came to Hammersley's place of residence; Address: 309 Bayside Road, Little Suamico, WI 54141.	(10) Hammersley told him that his last letter he wrote to the lab was to: preserve the evidence for judicial review, after the discovery of carry-over (showing ethanol, in the ethanol free blanks in the chromatograms) from another person's blood and contamination also appearing in all the chromatograms in the underlying data for Hammersley's BAC test result.
(2) Hammersley's mother answered the door, a male Brown Co. Sheriff requested to speak with Hammersley.	(11) The deputy also, then commanded Hammersley not to contact the Madison Crime Lab, or else Hammersley would be arrested.
(3) Hammersley's mother told him "Robert, there is a Brown County Sheriff outside that wants to talk to you."	(12) The Sheriff left after the last instruction.
(4) Hammersley was told this in the living room. Hammersley immediately proceeded outside in his shorts no-socks-no-shoes wearing scam-cam-bracelet and Hammersley may have been shirtless.	(13) Hammersley has not received written notice before nor after this episode, to further explain these verbal "No Contact" orders.
(5) Hammersley spoke eye level with the deputy, the deputy's description is a white male about 5'11" and a little heavier set than Hammersley, about 190lbs.	(14) Hammersley never received any written notice before or after. If Hammersley contacts the Madison Police to ask them why he can't contact them, according to the deputy's visit, Hammersley would be arrested.
(6) Hammersley did not ask for name or badge number as being threatened with arrest while under the threat of imminent/immediate arrest did not bode too well ...	(15) Hammersley did receive phone messages, on his cell phone, from an unidentified source claiming to be police, but this actor would purposely garble his voice when he would say his name and what it was concerning. These calls were made a within a few days of the Brown County Sheriff visit on 9/8/18. Hammersley honestly thought the caller was a scammer.
(7) The deputy then proceeded to tell Hammersley not to contact the Madison state capital police or he would be arrested.	(16) Hammersley brought this "no contact" order up before Judge Kelley as Hammersley is facing a 7th OWI charge in his courtroom and undermining the 6th OWI from 2008 would lessen his criminal penalties by reducing
(8) The nameless deputy further questioned Hammersley about what this might be pertaining to, after his initial command and admonished verbal restriction.	
(9) Hammersley told the deputy that it might be in regard to his attempts to request evidence of the underlying data for his blood alcohol test performed at the Madison Crime Lab.	

countable offences for enhancers. [and does effect PAC Charging Instruments].	2018, to request the Incident report for the Brown County Sheriff's visit on 9/8/18.
(17) Hammersley spoke about this on open record in proceedings in September, October, and November. Initially, when Hammersley first brought it up to Hon. Kelley in September, Hon. Kelley agreed that Hammersley should not break the verbal "no-contact" orders.	(21) Brown County Sheriff's Records Department, on December 14th, 2018, informed Hammersley "In response to your request for a record dated September 8, 2018, I have talked with our Patrol Captain, our Support Captain and a Patrol Lieutenant who also checked with our dispatch center. We have no record of a call to your address. As your address is not in our jurisdiction we would not have responded to your home."
(18) In the proceeding in October, hon. Kelley told Hammersley that it isn't something his court could consider, and Hammersley would have to bring up the verbal "no-contact" orders and nameless deputy in Branch III.	(22) There is no Incident Report for the Brown County Sheriff's visit on 9/8/18.
(19) After motioning to produce information regarding the Brown County Sheriff visit and to preserve the underlying data for the 2008 6th OWI BAC test results, in November, hon. Kelley told Hammersley that, even if the 2008 6th OWI was a forced blood draw and a refusal, that refusals do not meet the exception for collateral review and isn't something his court could consider.	(23) Hammersley's mother, Susann Walton, was the one who initially answered the door for the Sheriff. She remembers that it was a Brown County Sheriff who came. <u>See Hammersley's and Susann Walton's affidavit... [in appendix of 3-22-2019 John Doe] Appx. 313-314 & 427-433.</u>
(20) Hammersley contacted Brown County Sheriff's Records Department, in November,	[(24) Hammersley called the FBI in November of 2018 about this incident. And he was told to keep filing in court.]

IN-BEING: Transversely under **Wis. Stat. § 939.645** (2017-18), Penalty; crimes committed against certain people or property: **"(1) If a person does all of the following, the penalties for the underlying crime are increased as provided in sub. (2): (a) Commits a crime under chs. 939 to 948."** **INTO-BEING:** The deputies and/or lab personnel colorably committed these crimes:

(I.) Under Wis. Stat. § 939.10 (2018), <i>Common law act of attainder</i> ; BASELY: Based on the unauthorized 9-8-2018 undocumented Brown County deputy's contact and fraudulent verbal no contact orders, at the behest of likely lab personnel, issued at Hammersley's Oconto County residence by the nameless Brown	County deputy, under the Fourth, Eighth, Eleventh, and Fourteenth Amendment and Wis. Const. Art. I § 9, 9m, 11 and 12:
	<u>"No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate" Art. XIV § 13 "Common law continued in force. ... shall be and continue part of the law of this state until altered or suspended by the legislature";</u>

<u>INTO-BEING: Wis. Stat. § 939.10 (2018), The common-law rules of criminal law not in conflict with chs. 939 to 951 are preserved.</u>	Hammersley's Oconto County residence by the nameless Brown County deputy.]
(II.) Wis. Stat. § 939.31 (2018), <u>Conspiracy</u> ;	(VIII.) Wis. Stat. § 943.14 (2018), <u>Trespass to dwellings</u> [Issuing fraudulent verbal no contact orders at Hammersley's Oconto County residence by the nameless Brown County deputy. Might be akin to: Actually] " <i>entering an outbuilding accessory to a main house ... violation,</i> " cf. 62 Atty. Gen. 16;
(III.) Wis. Stat. § 940.43(4) (2018), <u>Intimidation of witnesses</u> , Where the act is in furtherance of any conspiracy;	(IX.) Wis. Stat. § 946.12(1-4) (2018), <u>Misconduct in public office. Sub. (3) "applies to corrupt act under color of office and under de facto powers conferred by practice and usage,"</u> see <u>State v. Tronca</u> , 84 W (2d) 68, 267 NW (2d) 216 (1978);
(IV.) Wis. Stat. § 940.44 (2018), <u>Intimidation of victims</u> , <u>State v. Vinje</u> , 201 W (2d) 98, 548 NW (2d) 118 (Ct. App. 1996);	(X.) Wis. Stat. § 946.18 (2018), <u>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;</u>
(IV.) Wis. Stat. § 940.45(4) (2018), <u>Intimidation of witnesses</u> , Where the act is in furtherance of any conspiracy;	(XI.) Wis. Stat. § 946.31(1) (a) (2018), <u>Perjury</u> ;
(VI.) Wis. Stat. § 940.46 (2018), <u>Attempt prosecuted as completed act</u> . Whoever attempts the commission of any act prohibited under ss. 940.42 to 940.45 is guilty of the offense attempted without regard to the success or failure of the attempt;	(XII.) Wis. Stat. § 946.32(1)(a) (2018), <u>False swearing</u> .
(VII.) Wis. Stat. § 943.13 (2018), <u>Trespass to land</u> ; [Based on the unauthorized 9-8-2018 undocumented deputy's contact and fraudulent verbal no contact orders issued at	

These THREE - **28 U.S.C. § 535** FEDERAL INVESTIGATION REQUESTS: Are for either, or any aforementioned prospective personnel and/or outside agencies.

I am also requesting open records for any information/documentation:

- I. Any additional supplementary information within any connection to the **28 U.S.C. § 535** REQUESTS THAT WERE "**FILED**" AT THE DISTRICT COURT (3-5-2019 through 9-28-2020). WAS ANYTHING FORWARDED? I am instantly submitting an **OPEN RECORDS REQUEST UNDER FREEDOM OF INFORMATION ACT. 5 U.S.C. § 552 AND/OR WIS. STAT. S 19.31-19.39**—IN-WHICH TO-REQUEST: ANY INFORMATION REGARDING THE FEDERAL INVESTIGATION SUBMISSIONS (3-5-2019 through 9-28-2020)—FOR: WISCONSIN STATE CASE NOS. 97CT218-220, 98CT1403, 05CF361 (AND/OR THE SUPPLEMENTARILY REQUESTED Brown County Sheriff's deputy's UNDOCUMENTED UNAUTHORIZED 9-8-2018 HOME VISIT WITH FRAUDULENT NO CONTACT ORDERS). **a) INITIALLY REQUESTED ON 3/6/2019; b) CAPTION AMENDED ON 1/8/2020; AND c) SUPPLEMENTAL-REQUESTED SUBMISSION ON 9/28/2020, WITH SUPPLEMENTAL MATERIAL FOR THE REQUESTS;**

II. THE 28 U.S.C. § 535 STATUTE SEEMINGLY CONTEMPLATES JUDICIAL DETERMINATIONS AND/OR AUTHORIZED OFFICIAL COURT ACTION. IS NOT THE CLERK'S OFFICE THE PROPER PLACE TO FILE THE 28 U.S.C. § 535 REQUESTS. WHY WERE THESE 28 U.S.C. § 535 REQUESTS PRESUMABLY NOT FORWARDED? WHERE DOES ONE FILE FOR 28 U.S.C. § 535 REQUESTS?

FOR A FULL DISCLOSURE: I HAVE REQUESTED OPEN RECORDS SEVERAL TIMES WITH THE OFFICE OF THE CLERK OF FEDERAL COURT IN GREEN BAY BEGINNING FROM 2021 THROUGH PRESENT. I HAVE NOT PROCURED A SUFFICIENT ANSWER AS TO THE WHEREABOUTS/STATUS OF MY 28 U.S.C. § 535 REQUEST FILINGS. My open records requests contained this verbatim, *see* below:

(1.) OPEN RECORDS REQUEST UNDER FREEDOM OF INFORMATION ACT, 5 U.S.C. § 552 AND/OR WIS. STAT. § 19.31-19.39—REQUESTED: ANY INFORMATION REGARDING FEDERAL INVESTIGATION—FOR: WISCONSIN STATE CASE NOS. 97CT218-220, 98CT1403 AND/OR 05CF361. a) INITIALLY REQUESTED ON 3/6/2019; b) CAPTION AMENDED ON 1/8/2020; AND c) SUPPLEMENTAL-REQUEST ON 9/28/2020, WITH SUPPLEMENTAL MATERIAL FOR THE INITIALIZED REQUEST; (2.) BY WHOM THESE DETERMINIZATIONS WERE MADE ISSUANCE; (3.) WHY WAS THERE NO WRITTEN DETERMINATIONS FORWARDED? AND (4.) WHY WERE NO ORIGINALS FORWARDED TO ME AS STATED? (5) WHERE DOES ONE FILE A 535 FEDERAL INVESTIGATION REQUEST? (6) WHY IS THERE NO RECORD?

The federal district court has not addressed these open records' questions nor what happened to these hand delivered 535 investigation requests, where these hand delivered 535 investigation requests are now, and why there is no record of these submissions. No response has ever answered these basic records' requests.

The **Freedom of Information Act, 5 U.S.C. § 552** required the clerks' office of the eastern district in Green Bay, to be held to the full or partial disclosure of previously unreleased information and documents controlled by the United States government upon request. And/or Wisconsin's Open Records law states: "***shall be construed in every instance with the presumption of complete public access consistent with the conduct of governmental business The denial of access generally is contrary to the public interest and only in exceptional cases can***

access be denied." The clerks' office of the eastern district in Green Bay has denied my open records' requests, the law required this be done in writing, within 20 working days from when the district court received it, and stating what part of the law the clerks' office believed it to be entitled to deny my request under **Wis. Stat. § 19.35(4)(a)** and Freedom of Information Act **5 U.S.C. § 552**. **There has been no specificity surrounding any actual answer to what happened to the hand delivered filed 535 requests. Were the documents destroyed?** The public records law "***does not require an authority to provide requested information if no record exists***" see persuasive authorities Journal Times, 362 WIS. 2d 577, 55; also State ex rel. Zinnarabe, 146 WIS. 2d 629.

The Open Records law, the law defines "record" to include information that is maintained on paper as well as electronically, such as data files and unprinted emails. **Wis. Stat § 19.32(2)**. AND/OR as the **Freedom of Information Act**, states: **5 U.S.C. § 552(3)(A)** ... each agency, upon any request for records which **(i)** reasonably describes such records and **(ii)** is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person. **(B)** In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. ... **(C)** In responding under this paragraph to a request for records, an agency shall make reasonable efforts to search for the records in electronic form or format ... **(D)** ... "search" means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request. **EVEN-IF:** The clerks' office destroyed the requests, then there would still be a record of that destruction.

FOR A FULL DISCLOSURE: I HAVE SUBMITTED A FEDERAL TORT CLAIMS ACT - NOTICE OF CLAIM WITH THE OFFICE OF THE CLERK OF FED. EASTERN DISTRICT COURT IN GREEN BAY, BECAUSE I HAVE NOT PROCURED A SUFFICIENT ANSWER AS TO THE WHEREABOUTS/STATUS OF MY **28 U.S.C. § 535** REQUEST FILINGS.

As either the Federal Bureau-Investigation and/or U.S. Attorney's Office already knows, the FOIA law and Wisconsin public records law allows an authority to charge a requester the actual, necessary, and direct cost to locate responsive records, *i.e.* **Wis. Stat. § 19.35**. In addition, the authority may require prepayment of amounts exceeding \$5.00, *i.e.* **Wis. Stat. § 19.35(3)(f)**. I am submitting this in *good faith* in knowing that there will be necessary accrued time and cost required to locate and/or deny existence of any records responsive to my request and that may require prepayment of that unspecified accrued monetary amount. The cost to retrieve the records from data-storage, compile and send are unknown presently. So, if there is documentation that any of my investigation requests were actually sent to either agency, then provide me with an invoice to have copies of that eastern district court interaction's documentation.

Please calculate a good faith estimate of the time and cost required to locate records responsive to my request and/or any requirement of prepayment for that amount. The cost to retrieve the records from data-storage, compilation and delivery. I know there will be an incurred cost for copies and I am prepared to pay up to \$0.25 per page. Please, may you send me an invoice and the estimated wait time?

Please be aware the law requires prompt response, without delay. Thank you so much for all your assistance in the past and any assistance in the future. Any concerns or questions feel free to contact me by telephone about technical issues and/or other concerns. If I am unavailable, please leave a voice message and I will return your call. The preferred method of communication to these requests are in writing to my home residence:

Robert Hammersley, 309 Bayside Road, Little Suamico, WI 54141; (920) 434-9322

WHEREFORE may I have a written determination as to whether or not either the Federal Bureau-Investigation and/or U.S. Attorney's Office will fulfill these 535 investigation requests and open records request. I would like to think that the clerks' office would have helped me with filing in the right place and/or with any filing requirements. I am restrained of my liberty - bounded by bail conditions and bracelet custody since 3-14-2018, and under Bounds v. Smith, 430 US 817, 97 S. Ct. 1491, 52 L. Ed. 2d 72 (1977), the clerks' office had a duty to assist me. Just accepting the filings and not explaining what happened to the documents does not fulfill requirements of *due process*' "opportunity to be heard." Grannis v. Ordean, 234 U. S. 385, 394. "***It is an opportunity which must be granted at a meaningful time and in a meaningful manner,***" under Armstrong v. Manzo, 380 US 545(1965), at 552, and the **Freedom of Information Act, 5 U.S.C. § 552**. Please investigate the clerks' office and commence these other requests. Thank you so much for all your assistance and service.

Respectfully submitted,

Robert Hammersley
309 Bayside Road
Little Suamico, WI 54141
Home (920) 434-9322

List of accompanying supplemental documents:

CD - CONTAINING APPELLATE ELECTRONIC FILES COPIED 1-17-2023; 1) Appeal File nos. 2021AP1269 and 2022AP263 for State casefiles: 1998CT1403 and 2005CF361; 2) Appeal File no. 2021AP334 for State casefiles: 1997CT218-220
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HARD COPIES OF:	3) 9-28-2020 Supplement to 3-5-2019 535 Request	5) 9-15-2022 Filed Open Records Request
1) Primary 3-5-2019 535 Request;	4) 7-19-2022 Response to appended 6-6-2022 Clerk's Response	6) 12-1-2022 Federal Claims Act - NOTICE OF CLAIM vs. Clerk's Office
2) 1-9-2020 AMENDED 3-5-2019 535 Request;		