

12/26/24

No.

24-760

In the

Supreme Court of the United States

RYAN THORNTON,

Petitioner,

v.

State of Wisconsin,

Respondents.

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

PETITION FOR WRIT OF CERTIORARI

Ryan T. Thornton 12/23/2024

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December 23, 2024

QUESTIONS PRESENTED

1. Did the United States Supreme Court err by denying RYAN's 2023AP769CR 1/16/2024 Writ Of Certiorari (USSC Filing Number 23-898) on 3/25/2024?
2. Did the Wisconsin Supreme Court err on 8/2/2024 by Denying (App.28) RYAN's 2023AP2368W [5/8/2024 Petition For Review] with-out ever reviewing his [7/22/2023 2023AP769CR Brief Of Appellant]?
3. Did the State of Wisconsin err by failing to ever commence the Docketing of RYAN's 2019AP2326CR Appeal with attorney Singleton?
4. Did the Docketing Issue in Question 3. open-the-door for this Ineffective Assistance of Appellate Council Situation (described with-in Question 2.)?

**STATEMENT OF OPINIONS DIRECTLY ARISING
FROM 2023AP2368W**

This case arises from and is related to the following proceedings in the:

Supreme Court of the State of Wisconsin

State of Wisconsin v. Ryan T. Thornton

Case No. 2023AP769CR

- 12/12/2023 ORDER that “claims of ineffective assistance of appellate counsel must be brought via a petition for writ of habeas corpus in the court of appeals” (App.22)

Second District Court of Appeals of the State of Wisconsin

Ryan T. Thornton v. Circuit Court of Racine Cnty.

Case No. 2023AP2368W

- ORDER Denying RYAN’s 12/20/2023 Petition For Writ Of Habeas Corpus, issued 3/26/2024 (App.24)

Second District Court of Appeals of the State of Wisconsin

Ryan T. Thornton v. Circuit Court of Racine Cnty.

Case No. 2023AP2368W

- ORDER Denying RYAN’s 3/26/2024 Motion For Reconsideration, issued 4/9/2024 (App.26)

Second District Court of Appeals of the State of Wisconsin

Ryan T. Thornton v. Circuit Court of Racine Cnty.

Case No. 2023AP2368W

- ORDER Denying RYAN's 5/4/2024 Amended Petition For Writ Of Habeas Corpus, issued 5/7/2024 (App.27)

Supreme Court of the State of Wisconsin

Ryan T. Thornton v. Circuit Court of Racine Cnty.

Case No. 2023AP2368W

- ORDER Denying RYAN's 5/8/2024 Petition For Review, issued 8/2/2024 (App.28)

TABLE OF CONTENTS

QUESTIONS PRESENTED.....	i
STATEMENT OF PROCEEDINGS DIRECTLY ARISING FROM 2023AP2368W.....	i
TABLE OF AUTHORITIES.....	iv
PETITION FOR WRIT OF CERTIORARI.....	1
JURISDICTION.....	2
CONSTITUTIONAL PROVISIONS INVOLVED.....	2
STATEMENT OF THE CASE.....	7
STATEMENT OF THE ISSUES.....	10
QUESTIONS ELABORATED.....	13
REASONS FOR GRANTING THIS PETITION.....	17
CONCLUSION.....	19

TABLE OF AUTHORITIES**Cases**

Dent v. West Virginia,
129 U.S. 114 (1889).....1

State of Wisconsin v. Johnson
2020 WI App. 50 & 2021 WI App. 61.....10

State of Wisconsin ex rel. Kyles v. Pollard,
2014.....19

U.S. Constitution

Sixth Amendment.....10-13

Fourteenth Amendment.....10-13

PETITION FOR WRIT OF CERTIORARI

RYAN is seeking a Writ of Certiorari in reference to the Order (App.28) dated August 2, 2024 by the Wisconsin Supreme Court in case No. 2023AP002368-W

We think a person's liberty is equally protected, even when the liberty itself is a statutory creation of the State. The touchstone of due process is protection of the individual against arbitrary action of government (Dent v. West Virginia)

RYAN believes that his due process protection has been violated via Attorney Singleton's representation, in that he has failed to be effective for RYAN, but instead (apparently) has assisted the state in not having to review RYAN's Direct Appeal of 2019CF397.

It's clearly the state "throwing a Wrench" at RYAN's Appeal via Attorney Singleton's misrepresentation and forcing RYAN to make these 43 Booklets (and numerous other filings) about that "Wrench"! Well this "Wrench" was actually synthetically created by the state of Wisconsin not properly Docketing 2019AP2326CR!

This "wrench" can be quantified by all of the denials that this state has issued RYAN in 2019CF397 after Attorney Singleton decided to quit and refunded his \$6000 retainer on 1/9/2023.

This “wrench” can also be quantified by how RYAN’s life has been harmed by relying on attorney Singleton, which was purely all deception since 2019.

This “wrench” can be legally described by all of the Case Law this state tried to use to deny jurisdiction of this appeal (most-notably App.18 & App.24).

JURISDICTION

On 8/2/2024, the Wisconsin Supreme Court issued an Order (App.28) Denying RYAN’s 5/8/2024 Petition For Review. This Court has Jurisdiction under 28 U.S.C. §1254(1) and 28 U.S.C. §1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

6TH AMENDMENT

constitution.congress.gov/browse/amendment-6/

Amdt6.4.5.1 A Jury Selected from a Representative Cross-Section of the Community

Impartiality is a two-part requirement: the jury must be selected from a pool that represents a fair cross-section of the community and the jurors must be unbiased.

In order to establish a *prima facie* violation of the fair-cross-section requirement, the defendant must

show (1) that the group alleged to be excluded is a 'distinctive' group in the community; (2) that the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community; and (3) that this underrepresentation is due to systematic exclusion of the group in the jury-selection process.

Amdt6.4.5.2 Jury Free from Bias

the Supreme Court has interpreted the Sixth Amendment to require assurance that the jurors chosen are unbiased

Amdt6.5.4 Right to Compulsory Process

The Sixth Amendment guarantees a criminal defendant the right "to have compulsory process for obtaining witnesses in his favor."

Amdt6.6.5.1 Overview of the Right to Effective Assistance of Counsel

In *McMann v. Richardson*, the Court held that the right to counsel is the right to the effective assistance of counsel. This right to effective assistance may be implicated in at least three ways:

First, a court's action may interfere with counsel's effectiveness if the court restricts a defense counsel in exercising his or her representational duties and

prerogatives attendant to the adversarial system of justice of the United States.

....

Third, defense counsel may deprive a defendant of effective assistance by failing to provide competent representation that is adequate to ensure a fair trial, or, more broadly, a just outcome. The right to effective assistance may be implicated as early as the process for appointment of counsel.

Amdt6.6.5.4 Deprivation of Effective Assistance of Counsel by Defense Counsel

Further, the Sixth Amendment's right to effective assistance applies to counsel regardless of whether counsel is appointed or privately retained or whether the government in any way brought about the defective representation. As the Court has explained, "[t]he vital guarantee of the Sixth Amendment would stand for little if the often uninformed decision to retain a particular lawyer could reduce or forfeit the defendant's entitlement to constitutional protection."

The seminal test for adequate representation stems from the Court's 1984 opinion *Strickland v. Washington*. There are two components to the *Strickland* test:

- (1) deficient representation and

(2) resulting prejudice to the defense so serious as to bring the outcome of the proceeding into question.

Amdt6.6.5.5 Deficient Representation Under Strickland

The gauge of deficient representation is an objective standard of reasonableness “under prevailing professional norms” that takes into account “all the circumstances” and evaluates conduct “from counsel’s perspective at the time.”

14TH AMENDMENT

constitution.congress.gov/browse/amendment-14/

Amdt14.S1.5.1 Overview of Procedural Due Process

The Due Process Clause of the Fourteenth Amendment provides that no state shall “deprive any person of life, liberty, or property, without due process of law.”

When a protected interest is at stake, due process generally requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power.

The Court has held that the appropriate framework for due process analysis of criminal procedures is a narrow inquiry into whether a procedure is offensive to the concept of fundamental fairness.

Amdt14.S1.5.5.1 Overview of Procedural Due Process in Criminal Cases the Court has held that the Due Process Clause prohibits government practices and policies that violate precepts of fundamental fairness, even if they do not violate specific guarantees of the Bill of Rights

In assessing whether a challenged criminal procedure denies a person procedural due process, the Court generally considers whether the practice violates a fundamental principle of liberty and justice which inheres in the very idea of a free government and is the inalienable right of a citizen of such government. The Court has also held that, as applied to a criminal trial, denial of due process is the failure to observe that fundamental fairness essential to the very concept of justice, and that to find a denial of due process the Court must find that the absence of that fairness fatally infected the trial; the acts complained of must be of such quality as necessarily prevents a fair trial.

Amdt14.S1.5.5.2 Impartial Judge and Jury

procedural due process requires criminal cases to be overseen by an unbiased judge and decided by an impartial jury

STATEMENT OF THE CASE

2019CF397 began 5/1/2018 as a Disorderly Conduct, Domestic Abuse charge (2018CM830; with a date of offense of 2/7/2018 that was reported to police on 4/9/2018) that was filed after the 2018CV138 Harassment Restraining Order hearing on 4/30/2018.

2018CM830 was converted to 2019CF397 on 3/28/2019, with-out any validity.

The 2019CF397 trial took place on 9/11/2019, where RYAN represented him-self and was convicted of both of the alleged charges.

After being lied to by Attorney Singleton about filing RYAN's Notice of Appeal within 20 days of the sentencing hearing, RYAN was forced to file it himself via a jail written Notice of Appeal (App.1) on 12/9/2019 as the deadline approached without Singleton's promise to file it ever happening. It's very foul when an attorney uses the word "Appeal" as a replacement for "Post-Conviction Relief" as a way to trick their client into not meeting an Appeal deadline...In hindsight, it's likely that Singleton's promise to file a NOA within 20 days was instead a promise to file a [Notice of Post-Conviction Relief].

Singleton reviewed the 9/6/2019 Transcript on 12/11/2019 and it was 100% clear that there was at least one issue [Prior to the commencement of trial,

RYAN was prohibited from advancing a theory of Self-Defense] (App.9-10) that had very strong merit for appeal, but instead he has RYAN's 12/9/2019 Pro Se Notice of Appeal (App.1) Voluntarily Dismissed (App.2-8) on 12/26/2019 communicating to RYAN that he is just doing this so he has more time to file RYAN's Appeal!

On 12/27/2019, Singleton files [MOTION TO STAY EXECUTION AND ENFORCEMENT OF JUDGEMENT OF CONVICTION] (App.8) where he raises Issue #1 [Prior to the commencement of trial, RYAN was prohibited from advancing a theory of Self-Defense] at its hearing on 1/30/2020, which is verbally denied by Honorable Judge Flancher in court.

On 1/30/2020, RYAN calls Singleton via jail phone and Singleton suggests to waste even more effort & money on "Post-Conviction Relief" and RYAN told him, "No, you are to only work on filing my Appeal from this point forward and make sure all deadlines are complied with!" There were prior conversations of a possible Plea Agreement to a Misdemeanor Disorderly Conduct charge, which RYAN strongly refused in-favor of a new-trial.

On 1/30/2020, Singleton files [MOTION TO EXTEND TIME LIMITS] (App.14) which received this Very Ambiguous Order (App.17) on 2/3/2020. This Ambiguous Order vaguely seemed to imply that

the docketing implied in the 12/26/2019 ORDER (App.7) [“time for requesting transcripts is extended to January 22, 2020”] has been ceased.

Apparently, the deadline to re-file the Notice of Appeal was 2/13/2020 [20 days (per 809.30) from the 1/24/2020 Revised Judgment of Conviction]. Singleton failed to re-file this Notice of Appeal by 2/13/2020 and failed to do essentially everything that he communicated to RYAN he would be doing regarding this Appeal, after getting paid-in-full the \$10,000 total (that he requested to file this Appeal) on 2/6/2020.

After years of false promises, lies, and excuses, on 1/9/2023 Attorney Singleton first communicated he cannot file the Appeal of this 2019CF397 Conviction and refunded RYAN’s unused \$6000 retainer, which he was paid in full by 2/6/2020 to Commence the Appellate filing process immediately. When RYAN came to Attorney Singleton’s office, to talk about Singleton (finally) filing this Appeal, on 1/9/2023, Attorney Singleton had refunded \$6000 to Ryan saying that he has Cancer and cannot file this Appeal now that he has Cancer.

In an effort to get some truth out-of this ridiculous, manipulated, scheme-of-a-story the state was trying to portray, on 6/29/2023 RYAN motions for an evidentiary hearing with Attorney Singleton

which was DENIED (with fancy case laws alleging this was all RYAN's fault) on 7/20/2023 (App.18)

Initially assuming there is at least a minimum level of Professionalism required here in Wisconsin, RYAN assumed that Singleton would file a Statement to explain why Singleton failed to file this Appeal, despite clearly communicating to RYAN (from 12/11/2019 to 1/9/2023) that he would be. The state of Wisconsin apparently encourages fraudulent attorney representation situations that cause Appellants to be scammed out of their Appellate rights, because this is exactly what Singleton did. RYAN hired Singleton to get him out of jail with this Appeal, not lie to him about actually doing it, for years.

STATEMENT OF THE ISSUES

1. Prior to the commencement of trial, RYAN was prohibited from advancing a theory of Self-Defense.
 - a. This was a Due Process violation, protected by the Fourteenth Amendment.
2. Exculpatory Evidence was Denied to both Defendant and Jurors.
 - a. This was a Due Process violation, protected by the Fourteenth Amendment.

3. The Lead Juror essentially stated that the Jury was not Unanimously decided based on the proof of the case that the state presented at trial.
4. The Jurors Used in Voir Dire were obviously selected in favor of the Prosecution.
 - a. This was a Impartiality violation, protected by the Sixth Amendment.
 - b. (Just as RYAN did on 10/14/2021) RYAN again demanded the state provide the racial distribution of the 27 Jurors Used in Voir Dire and was denied by Circuit court on 6/28/2023.
 - i. Did the Circuit Court Err by Denying this request? Yes, since this denial is a due Process violation, protected by the Fourteenth Amendment.
5. Malicious/Vindictive Prosecution
The state converts this case from a Misdemeanor Disorderly Conduct (2018CM830) to a Felony (2019CF397) almost 1 year into the proceedings, likely as a result of RYAN's refusal to be represented and refusal to accept a plea. In addition to issuing other frivolous charges (2018CM2366).

- a. This was a Due Process violation, protected by the Fourteenth Amendment.
- 6. State Witnesses from 4/30/2018 2018CV138 Injunction Hearing were Promised at PreTrial, but the court wouldn't Adjourn the jury trial due to RYAN not being able to find a Process Server who would actually Serve Commissioner Alice Rudebusch, Honorable Judge Timothy Boyle, and Reporter Mark Garvin.
 - a. This was a Compulsory Process violation, protected by the Sixth Amendment.
 - b. This was a Due Process violation, protected by the Fourteenth Amendment
- 7. A Deceitful and Ineffective Post-Conviction & Appellate Council always giving excuses as to why he cannot file this appeal.
 - a. This was an Ineffective Assistance of Council violation by Attorney Singleton, protected by the Sixth Amendment.
 - b. An Evidentiary hearing regarding Ineffective Assistance of Council with Attorney Singleton was denied by Circuit court on 7/20/2023 (App.18).
 - i. Did the Circuit Court Err by Denying this hearing? Yes, since this denial is a due Process violation,

protected by the Fourteenth Amendment.

- Regarding questions in 4.b.i. and 7.b.i:
 - The function of a judicial proceeding is to “determine where the truth lies.”
- ➔ Why does this apparently always stop when there is a desire for truth that is unfavorable to the state’s case/accusations against a defendant?

QUESTIONS ELABORATED

1. Did the United States Supreme Court err by denying RYAN’s 2023AP769CR 1/16/2024 Writ Of Certiorari (USSC Filing Number 23-898) on 3/25/2024?
 - 1.a. Did the State of Wisconsin err by Denying (App.18) RYAN’s requested [Evidentiary Hearing with Attorney Singleton regarding Ineffective Assistance of Council] on 7/20/2023?

If there was nothing inappropriate for the state to hide, why would the state not just accept this Evidentiary Hearing to bring some truth to this wild story that the state alleges, implying “this is all RYAN’s fault for not timely filing his appeal.”

The present case (2023AP2368W) is just a continuation of the state of Wisconsin rejecting to formally review RYAN's [7/22/2023 2023AP769 Brief Of Appellant] made possible by an appellate attorney who was (likely, purposely) ineffective.

This is really just a snowball effect of the state cheating (Issues#1-6) on RYAN in the first place. The state (apparently) didn't want to be legitimate regarding formally reviewing Issues#1-6, so they created Issue#7 for RYAN to have to overcome as well!

2. Did the Wisconsin Supreme Court err on 8/2/2024 by Denying (App.28) RYAN's 2023AP2368 [5/8/2024 Petition For Review] without ever reviewing his [7/22/2023 2023AP769 Brief Of Appellant]?

2.a. How can a state allow such blatant misrepresentation by an appellate attorney, without providing remedy?

2.b. Can a state be allowed to reject jurisdiction of an appeal resulting from an attorney going AWOL (disappearing without telling anyone, while having an open-retainer or state-appointment)?

2.c. Are you supposed to be able to trust that your lawyer is going to do what you hired

them to do and they say they are doing on your behalf?

2.d. Can a paid (or appointed) lawyer lie to a Criminal Defendant about filing their Appeal, and this impact their right to an Appeal?

3. Did the State of Wisconsin err by failing to ever commence the Docketing of RYAN's 2019AP2326CR Appeal with attorney Singleton?

3.a. Was this 2020XX157CR Order (App.17) on 2/3/2020 a sufficient response to [RYAN's MOTION TO EXTEND TIME LIMITS (App.14) filed on 1/30/2020], given that the 2019AP2326CR Order (App.7) on 12/26/2019 clearly indicated that this appeal was being Docketed with "the time for requesting transcripts is extended to January 22, 2020"?

4. Did the Docketing Issue in Question 3. open-the-door for this Ineffective Assistance of Appellate Council Situation (described with-in Question 2.)?

4.a. Does there need to be a Wisconsin Statute added to written law regarding an Appellate Attorney's Responsibilities after a Notice of Appeal is submitted OR can this State be trusted to be Professional about their

Docketing Procedure preventing an Appellate Attorney from going AWOL (disappearing without telling anyone, while having an open-retainer or state-appointment)?

Or (even-more in-human): an attorney consistently lying about what they're doing on-your-behalf and giving your money back years later, after you made a massive and consistent effort with your attorney that whole-time, is emotionally draining.

This "scheme" (which began as a result of a procedural Docketing error) puts a Criminal Defendant in position to have to defend themselves against the state alleging that Ineffective Assistance of Council doesn't apply to their case (App.18), in-addition to all-of the other Issues To-Be Raised on their Appeal. In this case, without a massive explanation of what Singleton did (2023AP2368 Brief of Appellant), the state would be able to (easily) cheat that defendant out of their Appellate right, if incapable of mercilessly defending themselves like RYAN has done since the 2018CV138 Restraining Order Hearing on 4/30/2018, which interrogated RYAN for 2019CF397 (formerly 2018CM830).

REASONS FOR GRANTING THIS PETITION

The State of Wisconsin has jurisdiction over an appeal or habeas corpus of RYAN's convictions in Racine County Circuit Court's 2019CF397. Timely Notice Of Appeal was given (App.1) and intent to appeal could have not been made more clear by RYAN despite being lied to and manipulated by Attorney Singleton's sandbagging (in favor of the state) legal representation.

Even for the smartest person in the world, filing a Pro Se Appeal while incarcerated is an insufficient means to effectively filing an appeal. For example, being able to effectively research Case Law via the internet or simply having access to the Case Document #64 with the Juror's Written Questions (which RYAN was totally unaware of because the Judge never allowed him in the Jury Room; #64 was never served to him in jail) that Singleton never told RYAN about, which is relevant to this Appeal.

Given that he was incarcerated, RYAN was forced to hire an attorney to file his Appeal.

RYAN began to trust attorney Singleton because he believed in America and that Singleton came across as someone he could trust. Every time RYAN approached Singleton (often having to corner him, contact multiple times in-order to get a response or even use a random number with are code

that Singleton readily talks to new-clients in) for a status update, although just excuses, Singleton was very professional and reassuring about filing this Appeal.

In hindsight, RYAN was very inappropriately mislead by attorney Singleton. The Circuit Court never transmitted the [Record on Appeal for 2019AP2326CR] since Singleton never filed statement on transcripts. The Appeals Court (or Circuit Court) could have chosen to be professional by issuing a Notice via 2019AP2326CR regarding Singleton's past-due statement on transcripts, but instead they used it as an opportunity get away with reviewing this Appeal.

Prior to 9/11/2019, RYAN used to have a career, predominately filing rate adjustments with various State DOIs who were very professional to deal with. Dealing with this State's DOJ is completely different from that.

CONCLUSION

Please ensure that the State of Wisconsin issues a response which accepts jurisdiction to:

1. 2023AP769CR: Review RYAN's Brief Of Appellant, submitted 7/22/2023

[State of Wisconsin ex rel. Kyles v. Pollard] ¶ 38
“we determine that the court of appeals is the proper forum for claims of ineffectiveness premised on counsel’s failure to file a notice of intent.”

a

APPENDIX

APPENDIX
TABLE OF CONTENTS

Appendix A: [NOTICE OF APPEAL] in [THE RACINE COUNTY CIRCUIT COURT OF THE STATE OF WICONSIN] (December 9, 2019).....	App.1
Appendix B: [MOTION TO VACATE PRO SE APPEAL] in [THE SECOND DISTRICT COURT OF APPEALS OF THE STATE OF WISCONSIN] (December 20, 2019).....	App.2
Appendix C: [ORDER TO RYAN's 12/20/2019 MOTION TO VACATE PRO SE APPEAL] in [THE SECOND DISTRICT COURT OF APPEALS OF THE STATE OF WISCONSIN] (December 26, 2019).....	App.7
Appendix D: [MOTION TO STAY EXECUTION AND ENFORCEMENT OF JUDGEMENT OF CONVICTION] in [THE RACINE COUNTY CIRCUIT COURT OF THE STATE OF WICONSIN] (December 27, 2019).....	App.8
Appendix E: [MOTION TO EXTEND TIME LIMITS] in [THE SECOND DISTRICT COURT OF APPEALS OF THE STATE OF	

WISCONSIN] (January 30,
2020).....App.14

Appendix F: [ORDER TO RYAN's 1/30/2020
MOTION TO EXTEND TIME LIMITS]
in [THE SECOND DISTRICT COURT
OF APPEALS OF THE STATE OF
WISCONSIN] (February 3,
2020).....App.17

Appendix G: [ORDER DENYING MOTION FOR
EVIDENTIARY HEARING WITH
ATTORNEY JUSTIN SINGLETON] in
[THE RACINE COUNTY CIRCUIT
COURT OF THE STATE OF
WICONSIN] July 20,2023).....App.18

Appendix H: [ORDER DENYING RYAN's 10/11/2023
PETITION FOR REVIEW] in [THE
SUPREME COURT OF THE STATE
OF WICONSIN] (December 12,
2023).....App.22

Appendix I: [ORDER DENYING RYAN's 12/20/2023
PETITION FOR WRIT OF HABEAS
CORPUS] in [THE SECOND DISTRICT
COURT OF APPEALS OF THE STATE
OF WISCONSIN] (March 26,
2024).....App.24

Appendix J: [ORDER DENYING RYAN's 3/26/2024
MOTION FOR RECONSIDERATION]

in [THE SECOND DISTRICT COURT
OF APPEALS OF THE STATE OF
WISCONSIN] (April 9, 2024).....App.26

Appendix K: [ORDER DENYING RYAN's 5/4/2024
AMENDED PETITION FOR WRIT OF
HABEAS CORPUS] in [THE SECOND
DISTRICT COURT OF APPEALS OF
THE STATE OF WISCONSIN] (May 7,
2024).....App.27

Appendix L: [ORDER DENYING RYAN's 5/8/2024
PETITION FOR REVIEW] in [THE
SUPREME COURT OF THE STATE
OF WICONSIN] (August 2,
2024).....App.28