**Steven Alan Magritz**

**c/o Address**

**City, Wisconsin**

**In the supreme court of Wisconsin, established 1848 A.D. by**

**the constitution for Wisconsin (“the” state, the public trust)**

**Writ of Error, generally, and Order for Remedy**

**To: COURT OF APPEALS, DISTRICT II, “STATE OF WISCONSIN”**

**INTRODUCTION**

**Presenting** Complainant Steven Alan Magritz, herein I, me, or my, a natural born, living breathing man, on the soil, in the third dimension and beyond the sea, with clean hands, non-corporate, not artificial, not *pro se*, not self-represented, not represented, to the supreme court of Wisconsin, de jure, established 1848 A.D., with this **writ of error generally** at common law. “At common law and under the Constitution, Article I, sec. 21[[1]](#footnote-2), a writ of error is a **writ of right** and may not be prohibited.” *State v. Raines*, 252 Wis. 238 (1948). In this context, “may not” means “shall never”. (Emphasis added)

**Take Notice:** WHOEVER construes, considers, determines, treats, conflates, classifies, categorizes, etc., this constitutionally secured writ of error, at common law, as anything other than that, will be charged with trespass as an intentional tortfeasor acting with malice aforethought. *Any* statutory designation, etc., including but not limited to a “petition for review”, will be deemed a trespass and an intentional constitutional tort.

**Take Notice:** “He who defies a decision interpreting the Constitution knows precisely what he is doing” (*Screws v. United States,* 325 U.S. 91).

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**SUMMARY**

I bring this writ of error to the supreme court after being denied the common law writ of habeas corpus ad subjiciendum by COURT OF APPEALS, DISTRICT II. My Petition for habeas corpus is set forth in the appendix and is incorporated herein by reference in its entirety. Also, my *REFUSED FOR FRAUD and Non-acceptance of the “Offer”* dated November 16, 2017 in response to the aforesaid denial is also set forth in the appendix and is incorporated herein by reference in its entirety, as is my earlier July 15, 2017 Refusal For Fraud.

The COURT OF APPEALS, DISTRICT II did error by acting in opposition to numerous federal and state supreme court decisions, *infra*, mandating the protection of the right of liberty of the people by and through the writ of habeas corpus ad subjiciendum. The COURT **stonewalled,** for months, action on my petition for the writ of habeas corpus, a prerogative writ which is supposed to be acted upon immediately, without delay. The COURT unlawfully restricted my common-law use of habeas corpus, *Servonitz v. State*, 133 Wis. 231, and, “responded” to my petition with blatant dolus, as set forth herein and in my refusals for fraud.

The COURT OF APPEALS, DISTRICT II did error by ignoring the *malicious prosecution* by state actors Williams and Gerol in the lower court, the want of personal jurisdiction, the want of subject matter jurisdiction, and the *numerous* violations of constitutionally secured rights which would have resulted in loss of the jurisdiction *presumed* by the sentencing court, had said court had jurisdiction in the first instance, which it didn’t, including but not limited to violations of or infringement upon unalienable rights secured by the First, Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution of the United States of America. Further, for the “COURT” to require me to seek remedy in the statutory venue of the persecuting “court”, which is foreign to me and into which I was forced against my will, over my objection, and without my consent, from attorneys who acted lawlessly and intentionally caused me harm, is nonsensical. It not only would it be futile, but would compound the illegality and criminality by the court’s officers.

The COURT OF APPEALS, DISTRICT II did error by ignoring, by way of example and not an all inclusive listing, the following constitutional torts by state actors Sandy A. Williams and Adam Y. Gerol, the “judge” and prosecutor, respectively, of the lower court: I was persecuted under the guise of a prosecution for exercising my secured First Amendment right to petition government for redress of grievances (*Smith v. Arkansas State Highway Employees*; *Mine Workers v. Illinois Bar. Assn.*; *De Jonge v. Oregon*); abuse and/or misuse of power: theft and concealment of court documents from behind the locked doors of the clerk of court, presumably by the “judge” or prosecutor or both (“Misuse of power, possessed by virtue of state law … is action taken under color of state law”, *United States v. Classic*); concealment of exculpatory evidence and/or prosecutorial misconduct (e.g., *Brady v. Maryland*; *United States of America v. Cliven D. Bundy)*; denial of the right to a fair trial (*Estelle v. Williams*); denial of assistance of counsel (*Argersinger v. Hamlin*; *Brewer v. Williams*; *Powell v. Alabama*; *Gideon v. Wainwright*; *Strickland v. Washington*; “The guarantee of counsel cannot be satisfied by mere formal appointment”, *Evitts v. Lacey*); removal and concealment of exonerating and/or exculpatory affidavits from the clerk of court files (*State ex rel. Nebraska State Bar Ass'n v. Douglas*); failure to give notice (e.g., *FCC v. Fox Television Stations, Inc*.; *Grayned v. City of Rockford*); subornation of false testimony (*State ex rel. Nebraska State Bar Ass'n v. Douglas*); fraud upon the court by an officer of the court (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*); jury tampering; witness tampering.

**The COURT OF APPEALS, DISTRICT II did error by ignoring:**

* The presiding officer, Sandy A. Williams, was biased and failed to recuse herself. I had filed criminal complaints against Williams at least as far back as July, 2011, and sued her in federal court for breach of fiduciary duty in 2012.
* The prosecutor, Adam Y. Gerol, was biased. I had filed complaints because of Gerol protecting an associate, a corrupt attorney, from prosecution, filed criminal complaints against Gerol as far back as December, 2011, and sued him in federal court for breach of fiduciary duty in 2012.
* I was not given **“fair notice”** that anyone could or would construe that correcting my own property deed in the public record was a wrongful act or that I could be prosecuted for any such act, contrary to clearly established law as articulated in *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239; *Grayned v. City of Rockford*, 408 U.S. 104; *Lanzetta v. New Jersey*, 306 U.S. 451; and others. *See Exhibit A,* one page, and Petition pages 6, 8, 11, 12, 31, 32.
* The “criminal complaint” was **false**, and the person making the false statement therein failed or refused to testify for the state at trial after his false statement was exposed. *See Exhibit B*, two pages, Petition pages 12, 13, 14, 21, 22, 23, 26, 30, and, 23 Am Jur 2nd *Deeds* § 11 (2011).
* I was subjected to a malicious prosecution for exercising my secured First Amendment right to petition government for redress of grievances. State actors Williams and Gerol converted a secured right into a crime.
* I was gagged by presiding officer Williams from presenting my First Amendment defense of petitioning government for redress of grievances from an earlier void judgment, notwithstanding the fact the prosecutor had “opened the door” to my defense in his criminal complaint and the void judgment was the foundational premise of his suit.
* I was threatened by Williams from presenting my defense; Williams made good her threat by stopping the proceedings more than once, clearing out the jurors, and haranguing me not to present my First Amendment defense or introducing or testifying about my exonerating affidavits which were removed from the court file and concealed.
* My “12/09/2011 Report of Criminal Activity By Victim/Witness” (sworn affidavit) mailed December 9, 2011 to Scott Walker, Rebecca Kleefisch, Glenn Grothman, Daniel R. LeMahieu, J.B. Van Hollen, A. John Voelker, J. Mac Davis, Mary Lou Mueller (filed with the court), Paul V. Malloy, Tom R. Wolfgram, Sandy A. Williams, Jeff Taylor, and unnamed others, and filed a second time with the court on January 5, 2012, was removed from the court file and concealed. This affidavit reported criminal activities of attorneys Sandy A. Williams (d/b/a judge) and Adam Y. Gerol (d/b/a District Attorney) and others. *See Exhibit C,* seven pages.
* Adam Y. Gerol was **estopped** from prosecuting Ozaukee County case no. 2011CF236 which Gerol filed December 1, 2011, by failing to respond to my two affidavits and Notice that his “Criminal Complaint” was false, which were served upon him on January 10, 2012. Gerol’s failure to withdraw his false complaint evidences his bad faith and malicious prosecution. See *Exhibit D*, thirteen pages, petitioning Gerol for redress of grievances, and Petition pages 6, 17, 18.
* I received no notice of the preliminary hearing, was caught by surprise, had no assistance of counsel, was restrained and unable to examine the witness, and was denied a reopening of said hearing. See Petition pages 20, 21, 22, 23.
* Prosecutor Gerol suborned false testimony at the preliminary hearing, which both he and presiding officer Sandy A. Williams had known for four (4) years was false. See Petition pages 21, 22.
* My counterclaim *as a third-party intervenor* against the falsely testifying witness was dismissed by presiding officer Williams.
* My counterclaim *as a third-party intervenor* against Gerol and the State was ignored by presiding officer Williams.
* I was denied an evidentiary hearing.
* I was expressly, explicitly, repeatedly denied assistance of counsel at arraignment by presiding officer Sandy A. Williams. See Petition pages 23, 24, 25, 26, 29, 32, and Exhibit K, transcript of hearing.
* Presiding officer Williams refused to hear my plea for my natural person of “Nonassumpsit, by way of Confession and Avoidance”. Williams entered a “Liar’s Plea” of not guilty for the “defendant”, which was not me, thereby creating a “controversy” which the court could “hear”. See Exhibit K, 15 pages, transcript of arraignment, and Petition pages 19, 24, 26, 29.
* I was denied witnesses for the defense of my natural person by Williams quashing my subpoenas while the prosecutor was allowed the same or similar witnesses. See Petition pages 7, 16, 27, 28, 29, 30.
* My exonerating and exculpatory affidavits were twice filed and twice removed from behind the locked doors of the clerk’s office and thereafter concealed. I was threatened by presiding officer Williams to not mention or testify about them. The only persons known to have means, motive and opportunity for their removal (a felony) and concealment (another felony) are Sandy A. Williams and Adam Y. Gerol. See Exhibit C, seven pages, and Petition pages 5, 7, 14, 15, 16, 17, 22, 24, 29.
* Williams and Gerol prevented me from introducing exhibits, such as the twice removed and concealed affidavits, at trial for the defense of my natural person.
* Williams ordered my witness off the witness stand when she found he was about to testify about exonerating evidence removed from the court file.
* Williams coached from the bench a hostile witness I had subpoenaed.
* The state’s expert witness, an attorney, testified to the fact there was no *corpus delicti*.
* Both presiding officer Sandy A. Williams and prosecutor Adam Y. Gerol committed fraud upon the court.
* I was denied adequate time for opening and closing statements, adequate voir dire questions, access to the jury, and the ability to present a defense.

**This list is not all inclusive.** See my 34 page Petition, including 61 pages of exhibits.

**PLAIN STATEMENT OF FACTS**

I am an informant, whistleblower, victim, and witness of crimes committed by state actors acting under color of law.

I have informed and reported to the highest officials in Wisconsin the malversation of public officers who denied, defied, and acted in opposition to the constitutions of both the United States of America and Wisconsin and have thus breached their required oath of office. One such sworn Report, a material, significant and substantial item in my Petition for habeas corpus, is set forth in the appendix and is incorporated herein by reference.

As a result of my reporting on crimes of public officers I was subjected to a malicious prosecution by two of the public officers I had reported upon and had filed sworn charges against. During the persecution by Williams and Gerol, exculpatory affidavits were twice removed from the court files of the clerk of court and thereafter concealed from the court and the jury. The only people I know with means, motive, and opportunity to remove the exculpatory evidence and then gag me from testifying thereto are Williams and Gerol. Williams and Gerol acted under color of law, without personal jurisdiction or subject matter jurisdiction, retaliated against, persecuted, and imprisoned me, and did so without me having committed a crime, nor causing an injury, nor causing damage, nor having any intent to cause an injury or damage. Williams and Gerol openly and flagrantly violated my rights secured by the First, Fourth, Fifth, Sixth, and Eighth Amendments to the constitution of the United States of America.

I was abducted, kidnapped (see Deuteronomy 24:7) from the land and jurisdiction of my nativity and taken by force into the foreign jurisdiction of the *corporation* named “State of Wisconsin”, held for ransom, and subjected to persecution based upon identity theft, transmogrification, and a false alleged “criminal complaint”.  **I was not the defendant, nor the surety, nor fiduciary, nor agent, nor representative, etc., for the defendant** in Ozaukee County case no. 2011CF236, ***nor did I ever act for or on behalf of the defendant or any other artificial entity***, nor did I ever consent to the proceedings. I was threatened, gagged, denied assistance of counsel, prevented from presenting a defense, denied witnesses in my defense, prohibited from introducing exculpatory testimony, documents, and witnesses, subjected to star-chamber proceedings, and unlawfully imprisoned, all of which is set forth in my “AMENDED Petition For Common Law Writ of Habeas Corpus Ad Subjiciendum Pursuant to Article I, Section 8 of the constitution of Wisconsin, 1848 A.D.” which is included in the appendix and incorporated herein by reference. See also transcript of “arraignment” Ozaukee County case no. 2011CF236, the Judgment of Conviction, and related documents in the appendix, all incorporated herein by reference.

During July, August and September 2016 I attempted to file an original action for the common law writ of habeas corpus ad subjiciendum with the supreme court of Wisconsin. My attempts were blocked on the doorstep by the clerk of court and unknown named others by a wall of silence. My suit was mischaracterized, the names of the parties were changed against my will and over my objections; the suit was misfiled in the Court of Appeals as some sort of supervisory proceedings, case no. 2016AP1522-W, and, *I received no response* from the individual justices or the clerk to my several imprecations for justice and remedy. The “matter” was dismissed when I refused to pay the fee demanded for the fraudulent “proceedings”.

On or about January 23, 2017 I mailed a hand-written petition for the common law writ of habeas corpus ad subjiciendum to the Clerk of Court of Appeals. On February 2, 2017 the clerk received the filing fee. After being noticed, the clerk corrected her errors in the caption of the names and address. On February 15, I wrote to judges Mark Gundrum, Brian Hagedorn, Paul Reilly and Lisa Neubauer requesting execution of the writ. *I received no response*. On March 6 I filed a Demand for a hearing. *I received no response*. On March 27, I filed a Motion to Expedite Action on Petition For Writ. *I received no response*. On April 4, I mailed 4 typed copies of my petition to help the judges in the reading of it. *I received no response*. On April 18 I mailed another 4 typed copies, this time with the paragraphs numbered. Again, *I received no response*. Also on April 18, 2017, I filed a Motion to Be Informed “to inform me, posthaste, of any omission or commission on my part which may be in any way causing the court to delay or not act on my petition, grant me a hearing, and provide me remedy pursuant to my Request For Remedy.” Again, *I received no response*. On June 6, 2017, I visited the clerk of court to obtain copies of documents I had filed. “Coincidentally” that very same day the COURT, after **stonewalling** since January on my *prerogative* writ, issued an “Order” denying my typed petition stating: “The petition is oversize. … The petition is denied for this reason.” I refused for fraud the dolus of the COURT, and further advised the COURT they falsely construed my typed copy as replacing my hand-written petition. On July 6, 2017, the COURT denied my hand-written petition for also being “oversize”. On August 1, 2017, before the “Remittitur” date, I filed via registered mail a typed 34 page “Amended” Petition for habeas corpus. The clerk assigned a new case number and demanded another filing fee, contrary to Article I section 9 of the state constitution. On September 9, 2017, I re-filed the Amended Petition along with the extorted filing fee. On November 7, 2017, the COURT regurgitated its false and fraudulent claim that I had to return to the corrupt state actors Williams and Gerol by whose malicious prosecution and persecution I was restrained of my liberty. The COURT ***could have*** directly and accurately quoted *State ex rel. Haas v. McReynolds*, by including the words “***other adequate***”, but instead they misstated the ruling, which I believe was intentional since I had previously exposed and chided them for their false and fraudulent reference. The fact that the members of the COURT would TWICE make a false representation, especially after being called on it the first time, indicates to me the lack of honesty, integrity, good faith, and clean hands that they are required to display towards me as a beneficiary of the Public Trust.

Incorporated herein by reference are all of my documents set forth in the appendix hereto, especially my AMENDED Petition For Common Law Writ of Habeas Corpus Ad Subjiciendum Pursuant to Article I, Section 8 of the constitution of Wisconsin, 1848 A.D., and all exhibits thereto, and my Refusals For Fraud dated June 15, July 31, November 16, December 19, 2017.

**Order For Remedy**

**I demand the supreme court forthwith Adjudge that:**

1. I, Steven Alan Magritz, by whatever “name” restrained, immediately be set at liberty;
2. Any and all restraints on my liberty by State of Wisconsin and/or Department of Corrections and/or any other department or agency of the public corporation named State of Wisconsin be declared null and void, and of no force and effect;
3. Ozaukee County Circuit Court had no personal jurisdiction over me in case no. 2011CF236;
4. Ozaukee County Circuit Court had no subject matter jurisdiction in case no. 2011CF236;
5. Sandy A. Williams infringed upon or violated my constitutionally secured rights;
6. Adam Yale Gerol infringed upon or violated my constitutionally secured rights;
7. Ozaukee County case no. 2011CF236 is VOID ab initio;
8. The record of conviction be expunged;
9. I be awarded compensation for 12,936 hours of false imprisonment;
10. Sandy A. Williams and Adam Yale Gerol are tortfeasors vis-à-vis me;
11. Any and all other additional and lawful or equitable remedy the Court has authority to provide.

I, Steven Alan Magritz, declare under the pains and penalties of perjury of the laws of the United States of America that the foregoing facts are true and correct, and as for any statements made upon information, reason or belief, I believe and so charge them to be true and correct. Executed this \_\_\_\_\_ day of January, 2018 A.D.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: Steven Alan Magritz

1. “Writs of error **shall never** be prohibited …” [↑](#footnote-ref-2)