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STATE OF WISCONSIN **03-20-2015**

COURT OF APPEALS **CLERK OF COURT OF APPEALS
OF WISCONSIN**

DISTRICT II

In re the refusal of Michael T. Sheedy:

OZAUCKEE COUNTY,

Plaintiff-Respondent

v.

Appeal No: 2015AP000172

Michael T. Sheedy,

Defendant-Appellant

BRIEF OF DEFENDANT-APPELLANT

MICHAEL T. SHEEDY

On Appeal from the Circuit Court for Ozaukee County, Wisconsin,

The Honorable Sandy A. Williams, Presiding

Circuit Court Case No: 2014TR 000172

Michael T. Sheedy

Michael T. Sheedy & Associates

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I. STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

Whether the Deputy Sheriff of Ozaukee County who made the arrest is guilty of False Swearing according to Wisconsin Statute §846.32, a Class H Felony, and is aiding and abetting the District Attorney and his staff of Ozaukee County, mainly the Clerk of Ozaukee Courts, Mary Lou Mueller. (A-App. 1)

II. STATEMENT ON ORAL ARGUMENT

Oral argument is not necessary because the issues on appeal can be fully met and presented and theories completely developed in the briefs.

IV. STATEMENT OF THE CASE

A. Procedural Status

Defendant Respondent Michael T. Sheedy appeals from the Order of Honorable Judge Sandy A. Williams, in where Judge Williams allegedly denied Mr. Sheedy his request for hearing and reopen his case in the matter of Court Case No:2014TR003860 in a letter dated April 18, 2014. (A-App 1).

B. Statement of the Facts

Defendant Respondent Mr. Michael T. Sheedy knowingly pleaded “No Contest” to Court Case No: 2014 TR003799 and paid the fine of \$887.50 on this violation on September 29, 2014. Mr. Sheedy also submitted on the same day via U.S. Post a request for hearing for the Ozaukee Circuit Court Case No: 2014TR003860. The payment was received for the above mentioned case but the hearing request for Court Case No: 2014TR003860 was not. (In a third matter involving Court Case No: 2014 TR003798, the fine of \$238.30 was paid in a timely manner in October 2014).

The request for hearing in the matter of Case No: 2014TR003860 was allegedly not received by the Courts, confirmed by The Ozaukee Clerk of Court Mary Lou Mueller. The case was denied hearing, confirmed in a curious Order stamp dated November 7, 2014, indicating, “This letter is in response to your letter dated January 8, 2015... denying your request to reopen the above-mentioned matter,” and signed by Judge Sandy A. Williams. Ms. Mueller spoke with my legal secretary and indicated the Order had been sent to my home address, which has never been received. I requested a hearing for the third time to be set in the matter of Case No: 2014TR003860. Ms. Mueller responded in a letter “dated April 18, 2014” indicating my request for hearing had been denied. (A-App. 1). In a phone conversation with my secretary on January 7, 2015 at approximately 2:34 Ms.

Mueller indicated the case had been “disposed of.” (A-App. 2). I would like to know by whom.

The crux of the matter is that I never refused. I have irrefutable evidence- a police report indicating such- along with a bill from the pathologist confirming a blood sample reading. I quote and attach in appendix 3, “...While explaining this form to SHEEDY, he told me he did not refuse the blood test...Deputy Ronan was present during that statement”. (A-App. 3) See *Schmerber v. California*, 384 U.S. 757 (1966), No. 658, which cites,

...however, the driver was unconscious at the time the blood was withdrawn and hence had no opportunity to object to the procedure.(760)

V. **ARGUMENT**

A. **I WAS NOT ALLOWED MY RIGHT TO DUE PROCESS IN THE OZAUKEE COUNTY COURT.**

I believe my right to due process has been violated.

B. **THE CHARGE IS PATENTLY FALSE.**

The Ozaukee County District Attorney Adam Y. Gerol has knowledge of this and has done absolutely nothing. See *United States v. Bagley*, 473 U.S. 667 (1985), No. 84-48, which cites,

*When the prosecutor receives a specific and relevant request, the failure to make an response is seldom, if ever, excusable.**Ibid.*

It seems he should know much better. Many telephone calls were made and facsimiles, to Mr. Gerol, by myself and my assistant, with no response was until

Friday February 20, 2015 at 4:25 p.m. (A-App. 4). Mr. Gerol left a voice message with my office indicating he was not certain as to why I was contacting him, what I was calling on and he couldn't figure it out. He stated in the message he did not see the ticket on his end and someone else must be handling it.

CONCLUSION

The Defendant-Respondent respectfully and with honor requests the Court to reverse the Circuit Court decision in this particular case. The activity of the Deputy Sheriff is criminal under Wisconsin Statute §946.32(a)- False Swearing, which states,

Under oath or affirmation or upon signing a statement pursuant to s. 887.015 makes or subscribes a false statement...when such statement is authorized or requires by law or is required by any public officer or government agency as a prerequisite to such officer or agency to take such action.

This is a Class H felony. The District Attorney of Ozaukee County is apparently aiding and abetting a felon. Again, there is irrefutable proof provided in the police report and pathologist bill. Adam Gerol knows this and has turned a blind eye.

MICHAEL T. SHEEDY & ASSOCIATES

Attorney for the Defendant-Respondent

Michael T. Sheedy

BY: _____

MICHAEL T. SHEEDY

State Bar No: 1004454

CERTIFICATION

I certify that this brief conforms to the rules contained in Wisconsin Statutes §809.19 (8) (b) and (c) for brief produced with a proportional serif font. The length of this brief is Five (5) pages.

Dated: March 19, 2015

MICHAEL T. SHEEDY & ASSOCIATES

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DEFENDANT’S BRIEF APPENDIX CERTIFICATION

I hereby certify that this brief appendix conforms to the rules contained on Wisconsin Statutes §809.19(2)(a) containing a table of contents, the findings or opinions of the circuit court and portions of the record essential to an understanding of the issues raised, including oral or written rules or decisions showing the circuit court’s reasoning regarding those issues, produced with a proportional serif font.

Date: 19th day of March, 2015.

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CERTIFICATE OF COMPLIANCE

WITH RULE 809.19(12)

I hereby certify that I have submitted an electronic copy of this brief, excluding the appendix, which complies with the requirements of §809.19(12).

I further certify that this electronic brief is identical in content and format to the printed form of the brief filed on or after this date.

A copy of this certificate has been served with the paper copies of this brief filed with the court and served on all opposing parties.

Dated: March 19, 2015.

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