STATE OF WISCONSIN
COURT OF APPEALS

DISTRICT II

Appeal No. 2023AP000870 CR

Circuit Court Case No.
2022CM000066

State of Wisconsin,

Plaintiff-Respondent,

v.

Alan Nathan Carroll, Jr. a/k/a U'si Ch-ab,

Defendant-Appellant.

REPLY BRIEF OF DEFENDANT-APPELLANT

APPEAL FROM A FINAL JUDGEMENT OF THE CIRCUIT COURT FOR
WASHINGTON COUNTY,
HONORABLE RYAN J. HETZAL, PRESIDING

N/K/A/ U'si Ch-Ab
Special Guest as Defendant-Appellant
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INTRODUCTION

I, U'si Ch-ab, an Indigenous Aborigine American, mention in Article I. Section 2. Clause 3. of the U.S. Constitution and Const. Amend XIV § 2., as "Excluding Indians Not Taxed" defend all of my rights and liberties as a so-called defendant-appellant. I filed a brief and appendix on December 18th, 2023. The plaintiff-respondent submitted a brief in response to my brief and appendix on January 18th, 2024. Now I respectfully present this reply brief to your court on February 5th, 2024. "Indians not taxed [are] excluded because they [are] not regarded as a portion of the population of the United States. They are [only] subject to the tribes to which they belong, and those tribes are always spoken of in the Constitution as if they [are] independent nations, to some extent, existing in our midst but not constituting a part of our population, and with whom we make treaties." Quoting from "Mr. Doolittle, speaking in the Senate debate on the Civil Rights Act of 1866, recorded in the Congressional Globe, 39th Cong., 1st Sess., on February 1st, 1866, 569–75."

There are several objections in the respondents brief that must be mentioned and rejected from this unlawful case because it fails to provide this court with any lawful proof

of evidence showing that officer Greenberg's unlawful acts towards me was Constitutional. The respondent's brief also fails to provide this court with lawful proof of evidence showing that my automobile and I need to enter into a commercial contract with the Wisconsin DMV in order to travel on my ancestral lands (See. R:76-114 @ 2-25 & R:76-115 @ 1-23; 2/7/23). "Of course you have to make those Constitutional decisions, you take the very same oath that I take. The only reason I can look at a statute and say, I have to disregard this, is because it does not comport with the Constitution. The only reason is that I have taken an oath to uphold the Constitution, you take the same oath. So, we give deference to legislation on the assumption that the members of the Senate and of the House have tried to be faithful to their oath and if they're not even thinking about the constitutionality of it, that presumption should not exist.... I think you have to make your own decision about Constitutionality. You should follow what the [U.S.] Supreme Court law has said. We don't strike down any of your [statutes].... We never strike down any of your laws, we just ignore them. Where your laws does not comport with the Constitution, it seems to be a law but it really isn't and so we ignore it and apply the rest of the [Constitutional] law, as the statute notwithstanding. Justice Antonin Scalia

speaking before the Judiciary Committee, discussing the role of U.S. Supreme Court justices under the Constitution on 10/5/2011."

ARGUMENT

I. I'M NOT A LAWYER, I'M AN INDIAN

The plaintiff-respondent has this presumption about me being a pro se or pro per litigant, that "they must still comply with the rules of procedure (See. B.O.R. @ page 10-11, Argument I.)," and in support of her claim, she relies upon State v. Pettit, 171 Wis.2d 627, 642, 492 N.W.2d 633 (Ct.App.1992) & Waushara County v. Graf, 166 Wis.2d 442, 452, 480 N.W.2d 16, 20 (1992).

I'm objecting to the plaintiff-respondent's presumption because "[p]ro [s]e litigants' court submission are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction or litigant's unfamiliarity with rule requirements. See Boag v. MacDougall, 454 U.S. 364; Estelle v. Gamble, 429 U.S. 97, 106; Conley v. Gibson, 355 U.S. 41, 45-46; Haines v. Kerner, 404 U.S. 519. Holding Pro Se petition

can not be held in same standards as pleading drafted by attorneys. The courts provide Pro Se parties wide latitude when construing their pleadings and papers. When interpreting Pro Se papers, the Court should use common sense to determine what relief the Pro Se party desires. Courts have special obligation to construe Pro Se litigants' pleadings liberally.” Quoting “Turner v. Godinez, Case No. 2015-CV-0343 (N.D. Ill. Aug. 11, 2017).”

I do not consider myself to be a pro se or a pro per litigant. I have only defended my rights, liberties, and represented myself as an Indian, a/k/a Indigenous Aborigine American, from the very beginning (See. R7:1-17; 2/23/22 & R41:1-1 @ 00:00-26:00), in the attempts to dismiss this unlawful case to the best of my abilities as such.

The Grand Ynga and Ynga Chief for the Iroquois Confederacy of Aborigine American Peoples has supported me in those attempts throughout this entire case by providing the respondent and the circuit court with proof of our government-to-government relationship with the United States and our Treaty rights, among many other rights and case laws presented (See. R10:1-5; 7/19/22 & R50:1-3; 3/15/23).

Although the circuit court did take some judicial notice of the fact that I was without counsel (See. R73:6 @ 13-25 & R73:7 @ 1-2; 3/2/22), is not schooled in legal procedures, and is not licensed to practice law, however, when I asserted my Constitutional rights and liberties as an Indian, Officer Greenberg, the circuit court and the plaintiff-respondent gave me, Grand Ynga, and Ynga Chief the cold shoulder as if we never asserted anything of that nature on the record.

Therefore, with all the evidence that Grand Ynga, Ynga Chief, and I have asserted on record, I ask the Court of Appeals to reasonably acknowledge the fact that I'm an Indian who rightfully belongs to the Iroquois Confederacy of Aborigine American Peoples and that we do have a separate government-to-government relationship with the United States.

II. TREATY RIGHTS AFFORDED TO INDIANS A/K/A INDIGENOUS ABORIGINE AMERICANS

The plaintiff-respondent's brief (See. B.O.R. @ page 12-13, Argument II.) is lacking evidence that would show me the how and why I'm not an Indian, when in fact, I have already asserted my evidence that's in the form of primary resources to the circuit court and the plaintiff which proves that my people who classify themselves as "Black" "Negro" "Colored"

and "African-American" are the real Indians a/k/a Indigenous Aborigine Americans(See. R49:19-23; 3/10/23) and in harmony with that, I ultimately gave the circuit court and plaintiff my intelligent reasons for permanently departing myself from the territorial jurisdiction of the United States Corporation by renouncing all contracts like the driver's license, social security number & card itself, the corporate fiction name: "ALAN NATHAN CARROLL JR," etc, (See. R49:1-18; 3/10/23). Therefore, if the Court of Appeals can reasonably agree upon those primary resources that I have asserted into the record, I can now move forward into the main argument of this reply brief.

Inside the plaintiff-respondent's brief, she states that "Article I of the U.S. Constitution establishes how to apportion representatives to Congress and has absolutely nothing to do with the rights of individuals nor does it grant any person titles or immunity from the criminal law of the States." (See. B.O.R. @ page 13, Argument II.). I'm objecting to the plaintiff-respondent's statement here because "House Congress Resolution 331 - Concurrent Resolution (October 4th, 1988 - 102 STAT. 4933)" clearly establishes the government-to-government relationship with Congress or the United States corporation as having a "special relationship" with Indian

tribes; and whereas the aforementioned treaties and bodies of law clearly defines the separate jurisdictions and outlines the trust responsibility and obligation of the United States corporation and its entities, agents, and municipalities to Indians and Indian tribes (See. R24:11-12 @ ¶17).

On that next paragraph, same page of the plaintiff's brief, she goes on to quote, U.S. Const. amend. XIV § 1., however, the plaintiff fails to mention U.S. Const. amend. XIV § 2., which clearly defines tribal Indians as "Indians not taxed," as not "subject to the jurisdiction" of the United States (See. B.O.D.A. @ pg. 20-21, Argument I.) (Also See. "Senate debate on the Civil Rights Act of 1866, recorded in the Congressional Globe, 39th Cong., 1st Sess., on February 1st, 1866, 569-75.").

If the court can reasonably acknowledge this truth, then the question that I think must be asked is, did Officer Greenberg truly overstep his territorial boundaries by denying me my right to due process of law, depriving me of my life, my liberty, my automobile (See. B.O.D.A. @ pg. 20, Argument I.), and was Greenberg's actions towards my automobile and I reasonable under U.S. Const. Amend IV & WI Const. art I § 11., since there was no warrant for the

genocidal attacks that was done to me and my automobile (See. B.O.D.A. @ pg. 29, Argument II.)??

I would have to say yes to the latter and no to the former because my automobile and I do not have a contract with this State's DMV (See Again. R:76-114 @ 2-25 & R:76-115 @ 1-23; 2/7/23) and although I used 49 U.S. Code § 102(f)(2)(A)(B) as my proof of claim while I was unlawfully detained, that federal statute alone is not the one and only right that Indians a/k/a Indigenous Aborigine American's have to defend ourselves against unlawful police officer's like Greenberg.

Ultimately in this case, the treaty rights that's afforded to Indians a/k/a Indigenous Aborigine Americans should have been honored by the circuit court and plaintiff-respondent, but it wasn't (See Again. R10:3) (Also See. B.O.D.A. @ pg. 32, Argument II.). Now I'm asking the Court of Appeals to reasonably acknowledge Article 3. of the Northwest Ordinance Treaty of 1787 when making this lawful decision of reversing this unlawful case.

In my support is, "Article VI. to the U.S. Constitution @ ¶2," which states that, "This Constitution, and the laws of

the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

"The [U.S] supreme court has consistently held that Indian treaties have the same force and effect as treaties with foreign nations, and consequently are the supreme law of the land and are binding upon state courts and state legislatures notwithstanding state laws to the contrary. Cherokee Nation v. Georgia, 5 Pet. (U.S.) 1, 8 L. Ed. 25; Worcester v. Georgia, 6 Pet. (U.S.) 515, 8 L. Ed. 483; Blue Jacket v. Johnson County Commissioners (Kansas Indians), 5 Wall. (U.S.) 737, 18 L. Ed. 667; Holden v. Joy, 17 Wall. (U.S.) 211, 21 L. Ed. 523; United States v. New York Indians, 173 U.S. 464, 43 L. Ed. 769, 19 S. Ct. 487; Jones v. Meehan, 175 U.S. 1, 44 L. Ed. 49, 20 S. Ct. 1; Choctaw Nation v. United *517 States, 179 U.S. 494, 45 L. Ed. 291, 21 S. Ct. 149; United States v. Winans, 198 U.S. 371, 49 L. Ed. 1089, 25 S. Ct. 662. Quoting from, "State v. Satiacum, 50 Wn.2d 513, 314 P.2d 400 (1957)."

III. New Evidence on Appeal

The plaintiff-respondent's brief (See. B.O.R. @ page 10, Argument I.) is vague when she states that my brief "contains numerous references to items not contained in the record [and that] the defendant's brief refers to his opinions, beliefs and definitions which are not contained in the record of this case. These statements cannot now be considered as evidence in this case (See. B.O.R. @ page 10, Argument I.)." On that same page, the plaintiff-respondent stated that my "entire Appendix contain[ed] items not included in the record and items that are completely irrelevant to the facts presented...."

I have to reject the plaintiff's statements here because she isn't specific about which references, I used in my brief. Why does the plaintiff now care what references I used in my brief and appendix and why does the plaintiff care what is or isn't on the record??

There are many situations in which appellate courts stray from the black letter procedure and even invite consideration of new evidence on appeal. Therefore, I would let the Court of Appeals decide that.

Conclusion

Based on the reasons for objecting to the plaintiff's brief set forth in this reply, this court should lawfully overturn the jury's verdict and/or reverse this case back to the circuit court so it may be properly dismissed with prejudice.

Electronically Signed By: N/K/A U'si Ch-ab

Date: February 5th, 2024 (Gregorian Calendar Year)