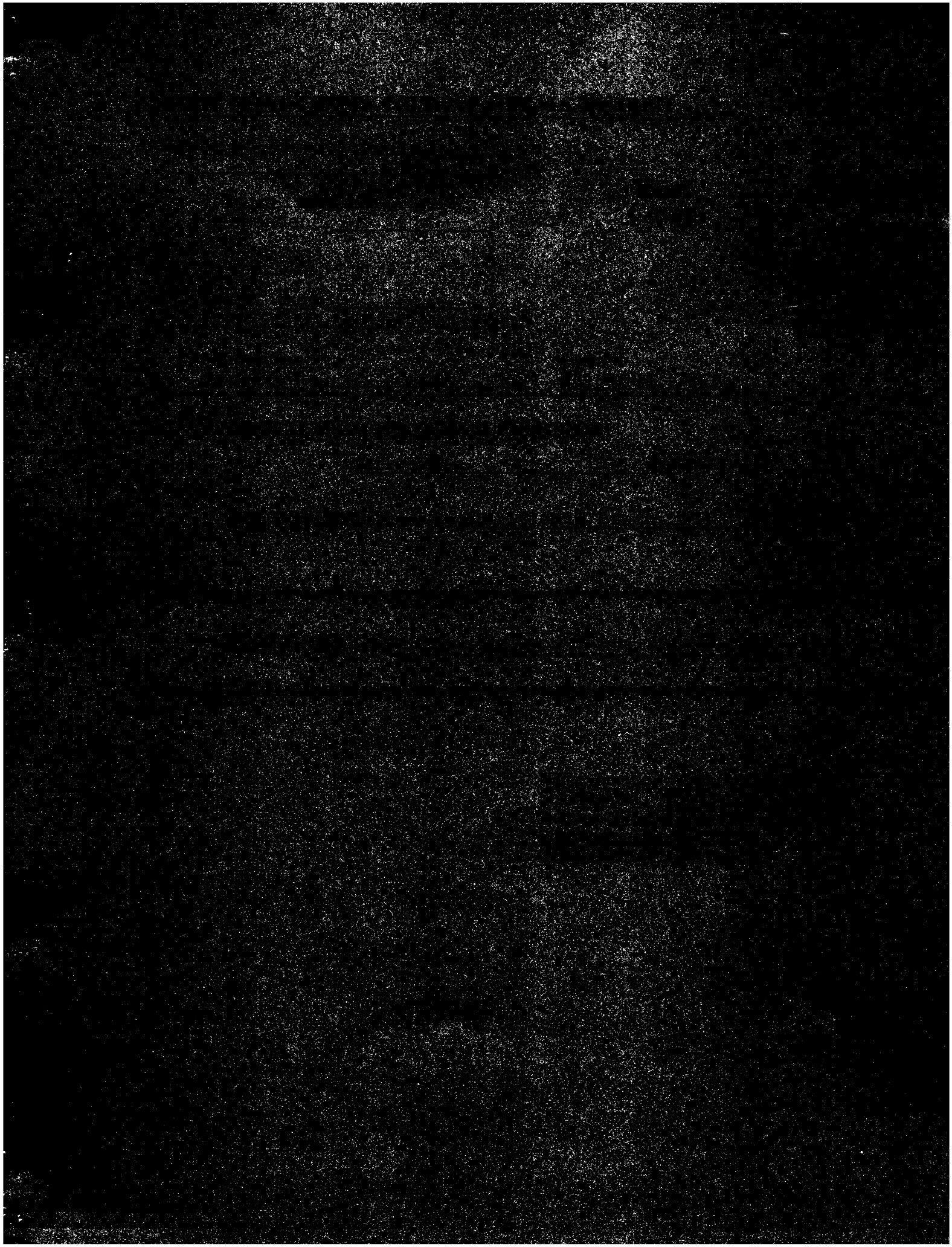

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SUMMARY OF CASE

Generally, the present lived experience of Americans is effective outlawry by inability to redress numerous Constitutional exceptions making Republic meaningless and subjecting to widening Hobbesian unrest and abject precariousness Ex parte Milligan, 71 U.S. (4 Wall.) 2 (1866).

Specifically, before May 11, 2017 I experienced unusual increases in police contacts more than doubling my lifetime total in a few months and this risked the safety of my patients and is gravely concerning for an espionage victim. My family was placed under suspicion of Child Protective Services by 'anonymous tip'. Answeredly, I stopped seeing patients in the City of Milwaukee, but maintained a charitable garden in the City. I needed a garden

caretaker and conducted a business meeting. As a nurse, I resolved it important to explore the upstream drivers of illness. Charity, health promotion, and gardens are lawfully conforming. A burglary was conducted as noted previously, destroying security of my residence and I secured my weapons and thousands of items in my truck 941.23(2)(e). On May 11, 2017 I had yet another, among multitudes of recent, police interactions. I remain unsurprised it was due to nebulous under-documented complaint as per usual denying confrontation where the State is or should be aware of the above summary instead mislead the Court Imbler v. Pachtman, 424 U.S. 409 (1976).

ARGUMENT

I. There is plain error in reference to an in-person face-to-face quasi-anonymous police contact, concerned citizen or informant tip; and 911 tip which is unresolved.

The criminal complaint says the police suspicion depends on a 911 phone call 968.02(1) J.L 529 U.S. 266 (2000), Rutzinski (2001) and *Navarette (2014)* and State v Williams, 2001 WI 21, 623 N.W.2d 106, 241 Wis. 2D 631) and 809.15(1)(a)1. The Motion to Suppress Reply uses Authorities by 911 tipsters. The only testimony in the Motion to Dismiss does not demonstrate a 911 phone call but a nebulous apparition-like face-to-face quasi-anonymous complaint of description-less "woman." The demeanor

of the "woman" as hearsay is unavailable to any factfinder and there is no credibility finding by proxy and when viewed in total the objective facts, of driving my vehicle, are innocent and unsuspicious *U.S.* v. Arvizu, 534 U.S. 266, 122 S.Ct. 744 (2002) and *U.S.* v. Cortez, 449 U.S. 411 (1981). Face to Face encounters are generally reliable though individuals vary in reliability *U.S.* v. Christmas, 222 F.3d 141 (4th Cir. 2000). In Christmas, weight is given to the level of safety or harm to the tipster, here this is little to no harms arguable. Unlike Christmas, where a neighbor is likely to be real, here we have zero objective articulable proof the apparition or 'woman' can be distinguished from spectral evidence New Hampshire v. Dustin, 122 N.H. 544 (1982). Unlike Deberry the tip was unrelated to weapons and later shown bunk altogether also the anonymity was not negotiated and not a phone tipster *U.S.* v. Deberry, 76 F.3d 884 (7th Cir. 1996). The Decision does not mention the incorrect "under oath" criminal complaint discrepancy. The 'woman' as indescribable and apparition like is indistinguishable, or less than spectral evidence, we find the tip incredible and inadmissible. The State has consistently deceived the Court, See Motion for Sanctions of 6/23/2020 and Smith v. Cain, 565 U.S. 73 (2012). Courts should seek truths. Neder v. U.S., 527 U.S. 1, 119 S. Ct. 1827 (1999). The Court may review de novo evidence State v. Smith, 117 Wis. 2d 399, 415, 344 N.W.2d 711 (Ct. App. 1983) which is likely material, Turner v. U.

S., 582 U.S. ___ (2017). While this apparition based tip is quasi-anonymous, anonymous tipsters are not evidence absent "ample evidence" Warden v. Etherton, 578 U.S. Petition denied, E.D. Mich. (2014); rev'd, Etherton v. Rivard, 800 F. 3d 737 (2016). If the government initiated the search alone, as in 'parallel construction', the 4th amendment is likely violated U.S. v. Jones, 565 U.S. 400 (2012).

II. The evidence to determine the legal category of the in person quasi-anonymous contact is questionable due to lack of description as non-differentiable from a hallucination or fantasy.

With difficulty in research no singular parallel authoritative case is appreciable while suspicion isn't a new concept. The arguments on authority of Terry, J.L. are Alabama v White are not disputed but a case by case analysis is necessary due to unparalleled nature and few clear bright line test and applications from these broad classic authorities. Adams v. Williams 407 U.S. 143, 92 S. Ct. 1921 (1972) Affirmed Terry's application of Informant tip by compelling safety concerns, absent here. The search was subject to arrest of a vehicle containing secured items following an undocumented home perhaps 'search' Carroll v. United States, 267 U.S. 132 45 S. Ct. 280 (1925) and Chimel v. California, 395 U.S. 752 (1969). Unprovoked flight is insubstantial regarding suspicion Illinois

v. Wardlow, 528 U.S. 119 120 S. Ct. 673 (2000). Suspicion is required in vehicle excepted investigations Heien v. North Carolina, 574 U.S. 54 135 S. Ct. 530(2014). Absent suspicion all evidence is suppressed Mapp v. Ohio, 367 U.S. 643 (1961) and *Silverthorne Lumber Co. v. U. S.*, 251 U.S. 385 (1920). With the suppression of all evidence the only remedy is conviction reversal as the Sentencing hearing is not evidentiary and we had serious grave concern of assassination and this is no capital offense 904.10 and State v. Wulff, 207 Wis. 2d 143, 557 N.W.2d 813 (1997). Courts have long used a "reasonable officer standard" Graham v. Connor, 490 U.S. 386 (1989) in evaluating conduct and Whren v. United States, 517 U.S. 806 116 S. Ct. 1769 (1996). We submit a reasonable officer is able to see and report descriptions of physical objects. Analogously, a reasonable officer should be able to describe a person. The State briefs the Court here, page 15, "he (Sawyer) knew what she looked like." The State apparently mindreading, false briefing here. We note zero description by record of the "woman" including sexual dimorphisms. The apparent tunnel here vision is anomalous, unreasonable and is suspicious of intoxication. We are absent timeline. The State briefs the situation "dynamic." The dynamics or lack of time does not override Constitutional protections in these situations Kerman v. City of

New York, 261 F. 3d 229, (2nd Cir. 2001). The physics are supreme here in objective reasonableness by univariate trigonometric analysis because human vision is literally line of site with few (but not relevant here) exceptions. This is why we submitted the map in the Motion to Suppress. As the acuity of the angle of vision increases, to view more angularly in to the elevated vehicle, the distance must increase. With increased distance human vision resolution decreases. Removing one variable of analysis such that the height of the quasi-anonymous "woman" is the only variable in evaluating the physics. How tall is this person? Whereas the Court kindly favors Sawyer credible, height is an imponderable because the reasonable officer standard is unmet. The Officers returned to look for the "woman." This constitutes an area search for 'women' and 'children' underminitive of the communities' rights and possible safety Deleware v. Prouse, 440 U.S. 648 99 S. Ct. 1391 (1979). Not merely an area canvas; we infer, by this action, Sawyer viewed the apparition-like tipster insufficient in some manner diminishing credibility. Although face to face contacts are considered generally reliable anonymous tips "seldom demonstrate informant basis of knowledge or veracity" U.S. v. Watson, No. 17-1651 (7th Cir. 2018). Here this indica of reliability is mere: projection of fears, invention, deification, and fantasy over lewd denied

counterfactuals and therefore manipulative out of court statements unconfrontable in the Court. Confrontation is a literal face to face right denied here Coy v. Iowa, 487 U.S. 1012 (1988) and *U.S.* v. Gutierrez De Lopez, No. 13-2141 (10th Cir. 2014), 263 F. App'x 623 (9th Cir. 2008). Confrontation is the manner of establishing reliability of testimonial hearsay Crawford v. Washington, 541 U.S. 36 124 S. Ct. 1354 (2004) and Davis v. Washington, 547 U.S. 813 126 S. Ct. 2266 (2006). There was no roadblocks exception here Michigan et al. v. Sitz 496 U.S. 444 110 S. Ct. 2481 (1990). Even if the tipster was real, nothing not obvious nor contradicted by observation was provided and therefore the stop was unlawful *U.S.* v. Roberson 90 F.3d 75 (3d Cir. 1996). There was no uncooperative aggravation *U.S. v. Valentine*, 232 F.3d 350 (3d Cir. 2000). In *U.S.* v. Soto-Cervantes 281 F. App'x 290 (5th Cir. 2008) the Court refers to an investigative stop test in US v Davis 94F3d 1465, 1468 (10th Cir 1996) where a stop must be justified at inception and limited to scope to circumstances which justified the interference in the first place using totality of multifactorials. Here, the investigation went out of those bounds immediately. The Officers then vandalized the vehicle, and deleted the body camera evidence. The Prosecutor then failed to explain good

cause for the missing evidence. Body Camera evidence deletion is common following misconduct.

III. The nebulous nature of the face to face quasi-anonymous "woman", if a person, denies confrontation right.

It is obvious we lack body camera evidence. Brady v. Maryland and Cone v. Bell, 556 U.S. 449 (2009). The State chose not to corroborate Sawyer's testimony even by the primary arresting officer or the other officer in the vehicle nor the other responding officers. The evidence of the in custody interviews are missing. The State, here in brief, has refused to show errors harmless in denial of due process *State v. King*, 205 Wis. 2d 81, 555 N.W.2d 189 (Wis. Ct. App. 1996). The State failed to disclose the missing video evidence above denying fundamental fairness, due process and right to defense material to the appeal 971.23(1). Therefore, we request Sanctions 971.23(7m)(b). We are unable to obtain comparable evidence Tenn v Merriman 410 S W.3d 779 (Tenn. 2013). The Court should favor the State but as, "Where, however, the evidence must be buttressed by surmise and conjecture, rather than logical inference in order to support a conviction, this Court, as final arbiter charged with the protection of civil liberties, cannot allow such conviction to stand" New Mexico v Ferguson 423 P.2d 872 (N.M. 1967) quoting New Mexico v. Bibbins, 66 N.M. 363, 348 P.2d 484 (N.M 1960). There is clear duty to have

preserved the apparent exculpatory evidence diminishing clear Constitutional rights Elkins v Summit County, Ohio, 615 F.3d 671 (6th Cir. 2010). The suspiciously deleted evidence and reliance of out of court testimony alone diminishes societies interest in maintaining a conviction absent the State's burden of proof and denial of process State v. Hayes, 2004 WI 80, ¶ 4, 273 Wis. 2d 1, 681 N.W.2d 203 and re Winship. And Jackson v. Virginia, 443 U.S. 307 (1979).

IV. Apparent ineffectiveness of Counsel.

Advice of trial Counsel was the Dismissal Motion could be appealed. Appellate Counsel refused. We all knew I would never get a fair trial given the plain errors and feared summary execution then following conviction and forced to refugee status. Developed nations refused refugee status due to conviction. Trial Counsel refused to object or note or make motion on reconsideration. Ongoing plain error should be obvious unless evidence in appeal is suppressed, including the criminal complaint. Nothing...precludes plain errors affecting substantial rights 901.03(4). "If plain error occurred, the burden is on the State to prove that it was harmless beyond a reasonable doubt" State v. Lammers, 2009 WI App 136. State requests no oral argumentation. Appeal as right appeals all motions. 808.03(1).

CONCLUSION

We ask the Court conclude an uncorroborated excessively vague suspect description with spoliated evidence of a "woman" tip unconstitutional. Such a description is well below reasonable officer standard. It places too high of a burden on police to commit, or appear to commit, perjury. The weak, probably invented, apparition-like evidence injures Court integrity. Excessively vague descriptions should cause moral injury to police that further risks the community indirectly and directly. Excessively vague descriptions place the community at risk of injury and criminal liability from Unconstitutuional dragnets. Given the structural problems and effective outlawry of Americans we think constitutional policing with high integrity is necessary for a Republic to continue.

Credibility does not extend to people Sawyer interacted with nor to his fantasies nor (possible) hallucinations. By definition, an auditory and visual perceived interaction not seen by others or video evidence and defiant of physics is a hallucination. Hallucinations, confabulations, and fantasies can be pathological but not necessarily. Sawyer can be credible and have human attributes, necessarily. Police are able to look at objects and describe them. Here we have an un-described apparition-like nebulous face to face quasi-anonymous out of court "woman" (sic) who supplies the totality of evidence to overcome Constitutional

protections, and Court integrity, which is an unparalleled lowering of the Confrontations Clause and Reasonable Suspicion protection against dragnets. Guesswork of legal category of poorly paralleled case law against Civil Rights, fairness, and Court integrity, is unwarranted due in part to minimal safety concern by the nebulous "woman" (sic), if any. The Inquisition-like out of court testimony must be diminished by the video spoliation. Instead, the lack of evidence is shored up with salacious hearsay (the sex counterfactual, the guns evidenced). The credibility of the Courts here is undermined by reasoned and Authoritative comparison to Inquisition techniques or Salem Witch Trials. Therefore, we find it necessary to reverse the Motion to Suppress for Unlawful Stop and to sever the Plea Agreement and Reverse the Conviction and Remand the Case back to the Circuit Court for Return of Property and destruction of DNA.

Dated this 24th day of June 2020.

Respectfully submitted,

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I hereby certify that this brief conforms to the rules contained in §809.19(8)(b) and (c) for a brief produced with a ☒ proportional serif font. The length of this brief is 2999 words.

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