STATE OF WISCONSIN

SUPREME COURT

Case No. 2019AP2127-CR

State of Wisconsin

Plaintiff-Respondent

v.

Andrew Watson Bunn

Defendant-Appellant

PETITION FOR REVIEW

Name: Andrew Watson Bunn RN
State Bar No., NONE
Address:473 Oakland Ave
Port Washington, WI 53074
Telephone No.: 262-416-2880

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PETITION FOR REVIEW

Andrew Watson Bunn Defendant-Appellant, hereby petitions the Supreme Court of the State of Wisconsin, pursuant to Wis. Stat. § 808.10 and Wis. Stat. § (Rule) 809.62 to review the decision or order of the Court of Appeals, District I, in State of Wisconsin v. Andrew Watson Bunn, case no. 2019AP2127-CR, filed on September 9, 2020.

Table of Authorities

REFERENCES

U.S. Constitution Preamble
U.S. Constitution 1st Amendment
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Wisconsin Constitution Article 1 Section 1
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U.S. v. Deberry, 76 F.3d 884 (7th Cir. 1996)

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ISSUES PRESENTED FOR REVIEW

The issues presented for review are:

1. When a criminal case is resolved by Plea Agreement does the Appellant-defendant retain the same rights and remedies afforded under the Due Process Clause of the 5th and 14th Amendment of the US Constitution when the State knowingly fails to disclose uncorroborated testilying on Appeal?

2. Does a Circuit Court finding of Law Enforcement Officer witness credibility alone, substantiate the existence and credibility by proxy of an apparition-like secret witness or hallucination for the purposes of the Confrontation Clauses of the United States Constitution?

3. Whether an investigative traffic stop required probable cause under the 4th Amendment of the US Constitution when the initial questioning is by police policy and mission is outside the scope of the investigative stop?

4. Given the totality of the secrecy of the tip and deception was there reasonable articulable suspicion needed to initiate the investigative stop?

5. Do I have a claim of Ineffective Assistance of Counsel as a Right?

The Court of Appeals decided the issues as follows:

1. On advice of Trial Counsel, confirmed broadly by Attorneys, the District I Appeals Court is politically pressured to rule unfriendly to individual rights under the Second Amendment of the US Constitution. The Court Appeared to re-frame Due Process and Confrontation as 4th Amendment issues.
2. On advice of Trial Counsel, confirmed broadly by Attorneys, the District I Appeals Court is politically pressured to rule unfriendly to individual rights under the Second Amendment of the US Constitution. An Answer is unapreciable in the discussion, or background or cited Authorities. The Court may not have read the Reply Brief.
3. On advice of Trial Counsel, confirmed broadly by Attorneys, the District I Appeals Court is politically pressured to rule unfriendly to individual rights under the Second Amendment of the US Constitution. An Answer is unapreciable in the discussion, or background or cited Authorities. The Court may not have appreciated the Reply Brief.
4. On advice of Trial Counsel, confirmed broadly by Attorneys, the District I Appeals Court is politically pressured to rule unfriendly to individual rights under the Second Amendment of the US Constitution. Affirmed leaving aside the witness secrecy.
5. I am unconvinced the Reply Brief was read. I requested Attorney Zwach, former Appellate Counsel, be compelled to send me a copy of the Record. The Court declined (Rightly). There are not mechanisms for indigent pro persona Appellants to have Record access. I proceeded absent the Record and Hon.

Judge J. Donald found me "rambling", "incoherent." in (assumedly the Appellant) Brief. Clarity by Oral Argument was not requested by any party, therefore it remains bereft.

REVIEW CRITERIA:

Question 1:

Respectfully request review, under 809.62.1r(b) as the Appellate Appears unable to discriminate gun cases the Supreme Court is likely to face continuous challenges as gun crimes are ruled more as political wedge questions and the transportation legislation was badly written; than purely legal. Further, the Appellate didn't answer the question(s). The Opinion is in conflict with cited controlling opinions in the presumed unread Reply Brief.

Question 2:

Respectfully request review, under 809.62.1r(c2) this is a novel construction of law.

Question 3:

Respectfully request review, under 809.62.1r(c3) this is a recurring legal issue.

Question 4:

Respectfully request review, because the Appeals Court discords with Controlling Opinions.

Question 5:

Respectfully request review, because this issue was ignored at Appeal we are not convinced the Reply Brief was read. This is a legal and political question.

FACTS OF THE CASE

On May 11, 2017 I admitted to Milwaukee Sergeant Kieran Sawyer during an unrelated intermediate investigative vehicular stop to transporting my handguns in my truck following a police burglary or perhaps most favorable to the City an uncommunicated protective search on my property (Sentencing Document 44, pg. 34 line 17-18), (page 39 line 19-22). Unable to secure the residence, and burgled not involving the weapons, my 3 pistols were placed in to my truck conforming to transport Statute before WI v Grandberry (2018), with my partial appreciation for the circumstances of the Philando Castile killing (the initial video) the presence of the weapons was forgotten for some time(Sentencing Page 42: line 10-11). My property would in the interim be razed assumedly without a judicial order or just compensation (Just Takings Clause). I had an extremely unusual increase in police contacts, from multiple agencies, around this time where the cause usually was claimed to be an 'anonymous tip' including at my work as a community nurse. The vehicle searched subsequent to arrest, I was charged with 3 counts of 941.23 having not filed the paperwork and fee in part due to the execution concerns. I was detained three days in booking, filing a grievance while detained which was lost.

The supposed cause of suspicion was not a traffic violation or warrant or BOLO but from a face-to-face undescribable unidentifiable concerned secret citizen witness known only by gender category who reportedly

pointed to my vehicle and claimed to see "oral sex" which Milwaukee Police Sgt. Sawyer affirmatively contemporaneously denied viewing(R62-12 App 112 Page 15: Line 14) and (R62-12 App 112 Page 17: Line 10-12). The body camera evidence(s) was un-discoverable(R:62-12 App 112:Line 15). One Officer's Identity is an apparent Secret; PO Manuel Lucena-Martinez appeared in Court but did not testify (R:62-12 App 112: Page 11: Line 15). The record does not explain, as required, either witness secrecy needs. Witness corroboration by the other two Officers in the vehicle are not in the Record. The secret woman, ghosted perhaps immediately after Sawyer looked away like an apparition.

In consultation with counsel, due to the murky and unusual circumstances along with my intelligence training, we were concerned this action was a (legalistic) defamation operation preceding attempted assassination. We strategized voluntary pre-trial detention in order to facilitate me surviving this action. We consulted the State to get assurances but were denied. I approached FBI Milwaukee to get reasonable assurances and was denied federal protection as well. We made a Motion to dismiss for unlawful stop and suppress all evidence unsuccessfully. We almost certainly would have been punished for seeking trial, or attacking Sawyer's credibility at trial and were forced to proceed by pleading guilty (WI 939.48, Self-defense generally). On advice of counsel, the suspicions for me being targeted were strategically suppressed but he did compare me as an equal to the Court at sentencing for minimally volunteered privileged reasons. The Court accepted my plea of guilty clearly appearing concerned

with the information volunteered in sentencing and not wishing further punishment for honesty, and 'comply or die' enforcement (Sentencing Page 46:lines:3-13). Any seeming wrongness of law in Sentencing is subtextual. Christians do have a duty to honesty to overcome the evil (in evidence here), and so are my ethics (Sentencing page 46 lines 3-13 on Philando Castile killing, 1st and 5th Amendments to the US Constitution. Romans 12:21, Mathew 5:39, 2 Timothy 2:15, Proverbs 6 and 10 and generally). We requested a fine of $750 per charge. The State requested 8 months detention but was caught lying in Sentencing (Sentencing Page 47: Line 17). The Court Ordered the $750 charge which was the amount of vandalism my vehicle safety systems sustained while I was arrested (Sentencing page 47: line 17, Extrajudical Punishment under 8th Amendment).

Regarding imminent threats of a non-prisoner my neighbor Nicholas G Grosenick, my neighbor, died in a bicycle-vehicle accident. We both frequently bicycle, are of the same age and somewhat appear similar. A classic vehicle similar to the one mentioned by the Ozaukee Sheriff's press release on the matter used to frequent near my residence and no longer does so (https://www.jsonline.com/story/news/2020/08/15/car-crash-kills-bicyclist-riding-rural-ozaukee-county/5591593002/). Further, my cell phone died recently, like a 'brick' and an unusual vehicle showed up an hour later during City Police change of shift. Suspicious vehicles are very rare in this location. These are serious matters. There is a mix of strategic sophistication and open sloppiness as modus operandi of this case.

According to the NACDL conference, "It's Complicated: Battling the Surveillance State in Criminal Proceedings" a "murky" criminal case origin is the symptom of evidence manufacture or parallel construction. They believe the mechanism for communication between Surveillance agencies (or foreign Government agencies or rogue entities) is the BOLO "Be on the Look Out" message. Found in the Statutes history under Arrest powers, State v. Taylor, 60 Wis. 2d 506, 210 N.W.2d 873 (1973) gives broad powers to a BOLO even when mistaken. The Supreme Court of Wisconsin in 1973 could not have forseen the panopticon of the surveillance state of today nor the leak of the private data of holders of Security Clearances, including me according to the United States Office of Personnel and Management, to a foreign hostile power (Fact established in the patsy case: https://www.justice.gov/usao-edva/pr/woman-pleads-guilty-bank-fraud-conspiracy-and-id-theft this was a Country-Country leak, and see Urico (2015) "OPM Breach Snags 5 Million Fingerprints" this is the most serious security matter between 1812 and Covid as such it is minimally discussed. The Court brings discredit to itself to cast as "rambling". Because the defense of this nation is familial, and for us non-executive private persons the protective standard was 'quiet professional', this is a generational especially gravely serious matter. Given the murkiness here and the littering of errors in this case I believe we can suspect a wrongful BOLO; U.S. v. Jones, 565 U.S. 400 (2012).

STATUS OF APPEAL

10/24/2017 Motion to Dismiss and Suppress all Evidence in Circuit Court for Unlawful Stop.

11/3/2017 Motion Denied.

6/17/2018 I was convicted of two counts of 941.23 with one count dismissed and read in. I filed intent to pursue post conviction relief and mailed four letters to U.S. Congress.

7/2/2018 I was denied return of property. Appellant entered exile.

7/23/2019 Appellant Knight Petition Approved.

9/9/2019 Former SPD Attorney Sara Zwach Withdraws. Appellant returns to USA. Motion to Compel City of Port Washington not to possess Appellant's vehicle due to bad appearance from vandalism of Sawyer denied.

10/3/2019 Appellant denied access to Record.

11/4/2019 Notice of Appeal, Statement of Transcript, In Forma Pauperis Petitions submitted.

2/10/2020 Appellant Brief.

6/08/2020 Brief of Plaintiff-Respondent

6/15/2020 Appellant request Sanction under 785.04(1)(e) and 785.01(1)(a) for falsified Affidavit of mailing Plaintiff-Respondent. Subpoena to Chief Postal Inspector on determination of postmark quashed by District 1.

6/30/2020 Reply Brief Filed.

9/10/2020 Conviction Affirmed by District 1.

The facts are disputed between parties and within the persons and documentation of the counterparty themselves.

ARGUMENT

The Appeals Court complained I was verbose. In argumentation, gish gallop is a technique forcing an opponent to lose credibility by being defensive toward the fast and loose treatment of truth. Briefest here, lies are a hydra. Lies are a reasonable concern according to Hon. Steven's Dissent in Alabama v White, 496 U.S. 325, 332 (1990), and Hon. Scalia in *Navarette v. California, 572 U.S. 393 134 S. Ct. 1683 (2014) differentiable* here by the hurdle of: a pithy phone call, evidence preservation or basic honesty.

THERE IS A CLEAR AND CONVINCING DUE PROCESS VIOLATION.

Under, Napue v. Illinois, 360 U.S. 264; 79 S. Ct. 1173 (1959) the knowing use of false testimony by a prosecutor violates due process even if merely an issue of credibility and the Court is REQUIRED to remedy. Here, The State Page 8, first 3 paragraphs, of the Brief of the Plaintiff-Respondent complains of reading the info demonstrating Sawyer's perjury, false swearing or inconsistencies, rightly. Thereby establishing the States knowing. The State is the spokesperson for the government and has special duties in Wisconsin pursuant to SCR 20:3.8(a), (f), (g) and (h) which prevent this

conduct, establishes an official animus and conscious deception. The State doubles down on the lying, page 12: "There was nothing contradictory, internally inconsistent, or unreasonable about Sawyer's testimony." The States Attorney breaking with style and not providing citation. Most concernedly, page 15-16, The State drops citation to facts and states a bunk invention, Judge Dugan found..."he (Sawyer) knew what she looked like, knew what her daughter looked like." This is not a fact. There are uncited apparent counterfactual mindreading in the following paragraph: "the woman did not know whether Sawyer would ask her name" for an example, though the totality of the paragraph is mostly fabrication leading to a legal not factual citation.

Brady v. Maryland, 373 U.S. 83 83 S. Ct. 1194 (1963) establishes doctrine on potentially exculpatory evidence. See also: Tennessee v Merriman 410 S.W.3d 779 (Tenn. 2013) Apparently exculpatory spoliated evidence is not Brady evidence under Elkins v. Summit Co. Ohio, 615 F.3d 671 (6th Cir. 2010). Attorney Van Severn: "The other two officers are equipped with body cameras, yes. Do you know if they were operating in a normal fashion or were they turned on as part of this?" (R:21-12 App 112, line 7). Line 9, Sawyer, "Yeah, they should have been turned on during their investigation." Sawyer is evasive of truth throughout, and here, a symptom of deception. So, where did the tapes go? State, (third ask) where did the tapes go? Where did the post Miranda interview tape go? Deleting evidence is an obstruction of justice. Under Giglio v. United States, 405 U.S. 150; 92 S. Ct. 763 (1972) the State may not withhold material

and must remedy by new trial. Here, the State has yet to explain where the missing evidence is and this is the third court we are asking hard-er for complete discovery. Under Due process established by Brady, Giglio and Napue the Court must divine the meaning of the missing body camera evidence which does or should speak to Sawyer's credibility and the existence (or fiction) of the secret un-describable witness the totality of Reasonableness of the Action relies upon. Occam's razor has been used by Courts absent facts. The 7th Circuit has used it extensively see: CFTC v. Zelener, 373 E3d 861, 868 (7th Cir. 2004); Diaz v. Fort Wayne Foundry Corp., 131 E3d 711, 712 (7th Cir. 1997); U. S. v. Rutherford, 54 E3d 370, 379 (7th Cir. 1995); Guinan v. U. S., 6 E3d 468, 476 (7th Cir. 1993); U. S. v. Baker, 905 E2d 1100, 1104 (7th Cir. 1990); Bonded Fin. Servs. v. European Am. Bank, 838 E2d 890, 894 (7th Cir. 1988). The simplest solution is preferable to divination by the Razor concluding a secret un-describable witness when the tapes 'go missing' unexplanedly repeatedly is deception is afoot. Further, Judge Donald unbecomingly calls the Defendant-Appellant "rambling and incoherent" (partially true) reformatting or ignoring my argument as specific to a 4th Amendment claim even for where I cite extensive due process Authorities, the 5th and 14th Amendment directly. I doubt there is mere pro persona unfriendliness and I am forced to conclude it is the failure and politicization, toward a more limited 2nd Amendment of the US Constitution, where the District I Court makes the widespread obstructions and deceptions possible therein burdening higher Courts which is likely to continue. We can conclude there is a story of a

secret police Officer also (Sawyer, PO Manuel Lucena-Martinez and a 3rd unnamed patrolman? In one car?). This secret undescribable witness may be un-differentiable from an apparition. There is an unclear number of people and which people in my vehicle at the time of the stop. Inconsistencies are clear signs of deception. The State never was forthright why the 3rd Officer in Sawyer's vehicle was kept secret, although I have the surname off record. Under Napue, Brady and Giglio the remedy is re-trial. Here, we knew the supervisory Court was political. I was unlikely to have a fair trial due to these extensive shenanigans and the motion to dismiss loss. We knew from our perspective we were sophisticatidly framed. I maintain my right to my life under multiple counts of 941.23. A misdemeanor is treated far less seriously than a capitol crime. Veterans don't qualify for diversion court even if it is a violent-less mitigated 941.23 offense. Deaths of inmates or convicted violent offenders are more palatable for the public. Defamation by police power is difficult to overcome. The deaths of prisoners became individualized only recently, in 2015 (P.L. 106-297). What I witnessed in Milwaukee County jail is well beyond Michel Faucault's biopower imagination in casual medicalized horror. I believed I would die under detention, in part due to the process failure and the facts, strange outside the record events, and the State and USA refused assurances otherwise (Sentencing Page 46: lines 3-13). Under trial Attorney advice, the only remedy is appeal and I attempted this under voluntary exile due to the extensive apparent unlawfulness. Foregoing trial and waiving the Rights greatly mitigated

the risk to my life. However, Attorney Zwach, excused Appellate Counsel, was apparently incompetent or compromised, and we had miscommunication due in part to exile, and she believing I couldn't get as far as I have. "We can not dismiss fair trial protections because an action is resolved by plea change because a system demands it", Lafler v. Cooper, 566 U.S. 156, 170 (2012). I ask the Supreme Court to extend the Right to Due Process under Napue, Brady and Giglio, under the 5th and 14th, that are foundational to pretrial where discovery should have happened, where purjury should not have happened, nor harmful error, by conviction reversal as I am unable to be represented by an Attorney according to the State's Public Defender and so could not have an adequate defense even if the State somehow stopped lying. Prosecutor's have broad leeway to do the right thing. Here a successful healthcare business was ended before a pandemic. And a charity (mine) reducing racial inequity, hiring vulnerable (former criminals), and reducing pollution, was razed extrajudicaly. And small arms are proliferating as unrest widens. Failure - a castle built on manure.

THE 4th AMENDMENT ISN'T THE ONLY ONE.

There are four kinds of police tips: (confidential) informants, anonymous tipsters, concerned citizens, and BOLO's aka 'evidence manufacture'(in increasing reliability respectively). Because of the secrecy and descriptionless-ness of the possible police tipster, in this case, I have concerns regarding the Confrontation Clause and the Rightness of the Circuit and District I

Appellate determination of a secret and descriptionless citizen witness "being exposed" to be identified even potentially for the purposes of the 4th amendment balance test. While Reading State v Rutzinski, 241 Wis. 2D 729, 736 (2001) an anonymous 911 tip case, I noted an informant is given higher Indica of Reliability, in part, as differentiated from Florida v. J.L 529 U.S. 266 (2000) by potential exposure to arrest for a false tip. In Rutzinski, it is clear exposure was referenced as a license plate, 911 call, or as a personally known reliable informant (citing Adams v. Williams 407 U.S. 143, 92 S. Ct. 1921 (1972).) An actual not a theoretical potential exposure. Navarette discusses theoretical exposure via anonymous 911 tip. Further restricted under *U.S.* v. Watson, No. 17-1651 (7th Cir. 2018) and demonstrating between investigation and seizure. While, they need not be those particular identifiers they must be actual identifiers of a legal person under Rutzinski. Similarly, in *Navarette v. California, 572 U.S. 393 134 S. Ct. 1683 (2014) a "close case" of anonymous tip by recorded evidential 911 call under DUI exigency which is seen as protective of rights and therefore different than J.L.* In this case, we are absent any personal identifiers of tipster but for gender categorization ("woman"), absent sexual characteristics, and maternal status ("mom") perhaps inferred. We can't even be sure how gender was determined. Unidentifiable Witnesses, by nature, are not subjected to potential arrest, indeed are likely fictions. Secret Witnesses must be shown to require protection, absent here, as confrontation is a literal face-to-face right *U.S.* v. Gutierrez De Lopez, No. 13-2141 (10th Cir. 2014), 263 F. App'x 623 (9th Cir.

2008) and Coy v. Iowa where the secret witness was cross examined and didn't supply all of the Testimonial evidence as we see here, *Crawford v. Washington*, 541 U.S. 36 124 S. Ct. 1354 (2004). The Prosecution failed the duty to provide good faith in securing the secret 'woman' under Barber v Page, Warden,390 U.S. 719 (1968). The secret 'woman' failed to provide predictive insider information, merely obvious public information which was of course independently corroborated (*U.S.* v. Roberson 90 F.3d 75 (3d Cir. 1996) cited in Wisconsin here: *State v. Pamanet*, Case Nos. 98-0359-CR, 98-0360-CR (Wis. Ct. App. 1998)). Weakly Demonstrating fiction. The tip contemporaneously affirmatively contradicted the officer observations in the not public parts. Contemporaneity is positive for reliability but here there may be so much of it we would be unable to find it on a timeline. The shown false predictive parts of the tip are somewhat vague of visible "oral sex"(Nota Bene the number of which persons is pursuant to 946.31 and 946.32). While all parties denied the "oral sex" apparent fantasy; oral intercourse, by whatever is intended as it is a class not a singular act, has fewer potential physical corroborative findings used to distinguish between lawful and wrongful kinds than other intercourses. Suggesting, the "oral sex" fantastic falsehood is a well practiced or coached lie. As a teatotaling dad, intercourse is also not a strong indicator of intoxication, the narrow and specific exceptions of Navarette and Rutzinski don't apply. But, so called 'drunk dating' commonly does happen. Criminalizing courtship would be unsurprising, but not all interactions between sexes are romantic as was the case

here I thought until I read the Complaint, the words of liars. The Circuit Court, we assume, didn't wrestle with the physics problem here that a woman of usual stature (under 7 foot height) in a parking lot would not be able to appreciate below mid-chest in to an elevated Ford F250. If trigonometry is "rambling" go to a parking lot with big trucks. No child of even theoretical extreme stature would be able to do so. Contemporary US Persons, even of high intelligence, struggle with sensemaking today and I suspect the apparently emotionally manipulative catastrophizing counterfactual report of sexual obscenity overcame rational calculus and numeracy. In 2020, public obscenity should be expected to be recorded. This neighborhood is littered with thousands of security and traffic cameras not including: cellphones, handhelds or bodyworn. Sawyer did not make any: observations, photos, videography or identifications of this potential witness. Alternatives in a "dynamic situation" were many to preserve the witness. I'm unfriendly to second guessing although the State is relying on the extensive experience of Sawyer for credibility. Reasonable Officers, by standard, must be able to look at things and describe them as this is the basis of patrolling and investigating. From an officer safety perspective, it is important to properly provide a minimal subject description and have some short term memory. Under, Graham v. Connor, 490 U.S. 386 (1989) standard this descriptionless-ness is likely unreasonable and unsafe especially for a senior supervisor and two patrolmen. The experiments of Solomon Asch demonstrate that human perception is subject to social conformity. Both the Circuit Court and Appeals

affirms the seniority and experience of Sawyer gives him credibility but fails to explain why he can't make observation. The secret witness 'woman' was not known by Sawyer, said evasively, and therefore is factually not a confidential informant. I agree, she's fictional. Rutzinski distinguishes the contours of unconstitutionality of J.L. via exigency in a probable DUI. A year later the 2nd Circuit US Court demonstrated exigency is not an excuse for unconstitutional conduct in Kerman v. City of New York, 261 F. 3d 229 (2nd Cir. 2001). The 7th Circuit has since Cited Kerman twice, once not authoritatively, under *Sanchez v. City of Chi.*, 880 F.3d 349 (7th Cir. 2018) and *U.S. v. Jenkins*, 329 F.3d 579 (7th Cir. 2003). The issue of exigency here of possible sexual assault or imagined obscenity while driving is: dubious, murky, manipulative, speculative, testimonial and importantly counterfactual. Under Deleware v. Prouse, 440 U.S. 648 99 S. Ct. 1391 (1979) the standard to conduct searches is probable cause not reasonable suspicion a lower standard, but still a standard of some kind. Because, the investigative stop questioning had nothing to do with so called "oral sex" it was a search principally and primarily from get-go and under Prouse therefore requires probable cause.

Unlike Rutzinski, where the Constitutionality is satisfied by naturally unequal balance test of privacy versus police power demonstrated in the spectrum between Alabama v White and Adams v William we have a privacy concern to balance of the public to anyone fitting the description of being a "woman" or a "child" or "children." In my experience as a Security Consultant to: municipalities, the State of Washington, and aspect

of the United States DHS and DOJ; Police prefer vague descriptions as they give broad-er authority. I argued, unconvincingly, in the Reply Brief the Constitutional Protections to women and children in the City of Milwaukee on or after that date constituted a police fabricated 'area warrant'. By "warrant" I do intend in modern law probable cause.

FALLING BACK ON THE 3rd.

The Third Amendment is not merely concerning quartering. The British American Townshend Acts generally and the British Revenue Act of 1767 was an attempt to provide politically advantageous revenue by allowing British Soldiers to write their own writs or "general warrants" and to enter houses to ensure British law and governance. What has transpired here is Sawyer has fabricated probable cause against women and children in an area (Milwaukee?) for some period of time (days, weeks?) that will be opaque to Courts. That evidence manufacture explains the incredible spread between Sawyer's refusal or inability to observe anything; or make a stop pursuant to minor traffic violation under Whren; and his seniority and extensive experience (*Whren v. U.S.*, 517 U.S. 806 116 S. Ct. 1769 (1996)). British troops were acting as law enforcement. Today few differences between a standing military and City of Milwaukee Police but for lower professionalism and accountability. For 3rd Amendment purposes, The City Police had already helped themselves to my residence and property. Perhaps this was protective search or burglary. They didn't contact me, however, as would only

be reasonable to prevent the burglary that of course did happen. We present this novel question of law to the Supreme Court of Wisconsin here.

DOES CREDIBILITY CREATE PERSONHOOD?

At issue most, is less the Constitutional balance of the 4th Amendment alone but upon what basis other than a finding of "credibility" of uncorroborated Police testimony can we say there was a witness when the evidence is disappeared, and undiscovered? In my speaking with the FBI the disappearance of the evidence is suspicious because, of course.

In my Appellant brief I, improperly, demonstrate Perjury of Kiernan Sawyer. The Circuit Court found Sawyer "Credible." Materially, there are no other rational or objective proofs the secret citizen witness was ever non-fictional. And the story presented has more holes than foam or swiss cheese. The probably fictional secret witness was never presented to the fact finder for the purposes of State v Benoit, 83 Wis 2d 389, 398, 265 N.W.2d 298 (1978). Here a likely fictional secret witness was never factually established but by other witness credibility. In Durley v. Mayo 351 U.S. 277 (1956) the Court left open Constitutionality of Perjury as Durley framed it as a State Issue. March 18, 2018 the New York Times, a paper of Record, found "Testilying" which is coached perjury by law enforcement a persistent and serious problem without a solution. I appreciated the comments from defense and prosecutor, which unconfirmed in veracity, show this is a problem especially in Motion to Dismiss proceeding for an

unlawful act, such as we believe is the case here. Testilying is: seriously corrosive, harms the public, the Courts, and the morality and safety of police. No known allegation is appreciable against Kiernan Sawyer. The Public has a need to be protected from would-be, probably intoxicated, felons going armed with arrest powers as a supervisor forcing presumably previously honorable patrolmen under his duty to go dishonorable. Contempt for defendants (now appellant) is an issue of fairness In re Murchison, 349 US 133, 136 (1955) and Ungar v Sarafite 376 U.S. 575 (1964). In Pro Persona Appeal is stupid, impecunious and desperate.

PLAINLY IGNORED PLAIN ERROR.

The Appeals decision believe it is reasonable Sawyer was in the area due to dispatch by 911 (un-discoverable evidence) because the Criminal Complaint states this. We agree the Complaint, under oath, says precisely this. What the State's Plaintiff-Respondent Brief states, Page 9 citing (R63:3; App 127) which I verified now, Sawyer was, "in the neighborhood that evening for a community meeting at Journey House." The meeting was delayed and Sawyer patrolled. Also Page 8, Sawyer testified he was "just sitting there" in a parking lot (citing R62:5, App 105).This is plain material error unless the meeting was scheduled by 911. The Appeals Court reasons, Page 2 under Background heading first paragraph, the 911 call is material and factual. Truth makes perpetual assertions. The State appears to be authority shopping.

INDICA OF FICTIONALITY

I am less concerned with the Indica of Reliability of the secret witness than I am that the Indica of Existence is absent to negative. Sawyer testified: "I wasn't able to obtain her name." (R62-5 App 105). Although "her" was also referred to as "she" as a pronoun this is the totality of the evidence the witness is not a hypothetical person or hallucination. Zero objective articulable reasoning the secret witness 'woman' can be distinguished from spectral evidence as a hypothetical being, an apparition or humanoid, which is likely not a legal entity or person and outside of American jurisprudence such as the Salem Trials and Inquisition, see: New Hampshire v. Dustin, 122 N.H. 544 (1982) on spectral evidence. 1 U.S. Code § 8 defines a "person" and would likely not support the idea of creating a person from credibility alone. Nor does a legal "person" under 15 U.S. Code § 7. 911 tipsters may be less reliable than in person contacts but we know they are existent, somehow. Is this why Attorney Karen Loebel didn't admit in her brief the more serious criminal breaches of Sgt. Kieran Sawyer? Nota Bene 946.31(2) double meaning and 946.32(2), Imbler v. Pachtman, 424 U.S. 409 (1976). I searched Wisconsin Circuit Court Records today, 9/18/2020 and Sawyer has no pending Perjury charges. Attorney Loebel did deceive the District I Court knowingly in violation of Due Process. The Confrontation Clause is supposed to be a protection for rogue and corrupt prosecutors. As a Registered Nurse in Wisconsin with extensive advanced graduate education and certification as an expert, if anyone tells me they talked to a barely describable being who is there one

minute and gone the next and physics and biology do not support the dialogue the necessary conclusion is either a hallucination or fabrication. The Court concluded Sawyer appeared "credible." I agree, he is definitely by close scrutiny an under oath liar, but appears superficially charming and credible. My vehicle was also damaged following a peaceful arrest including the seat belt and front window (Sentencing page 33 line 2). I don't know much about vandalism but it is associated with intoxication and political speach from the reading I have done. Alcohol consumption is associated rarely with a psychosis such as an audio-visual hallucination (although other drugs can contribute). Police work can be distressing and may require shift work that may be related to hallucinations. Perjury will destroy mental health and morality.

Evidenceless conviction can not lie because 941.2(e) applies (Sentencing Page 39: lines 19-22). I can not afford an Attorney and the Court can not re-appoint one as the Public Defender's Office Stated. I did not ask District I to reconsider because individual rights to firearms, recognized repeatedly by the U.S. Supreme Court, is politically impossible in this Court at present. In part the City profits by fraudulently making gun crime claims to the United States. Because District I ignored my arguments and the Authorities under the Confrontation and Due Process Rights on an Appeal as a matter of right we ask this Court to reverse the affirmation directly. Therefore, we ask the Court to reverse the Conviction and remand the case to the Circuit Court for Return of Property and Order the destruction of the DNA Sample's information and DNA.

Alternatively, if the Court is persuaded developing 3rd Amendment claim based on historical analsysis as a novel construct of law is necessary or if the missing evidence especially the body worn camera is useful in adding to the thin case law and unique facts of unsupported and unsupportable uncorroborated law enforcement testimony or the limits of the finding of "credibility" or the vexing problem of prosecutor integity I am prepared to be the Courts only friendly acting-Officer.

Date: 9/18/2020

Andrew Watson Bunn RN.
473 Oakland Ave
Port Washington, WI 53094
andybunn@yandex.com
262-416-2880

CERTIFICATION OF MAILING I certify that this brief or appendix was deposited in the United States mail for delivery to the Clerk of the Court of appeals by first-class mail, or other class of mail that is at least as expeditious, on 9/24/2020 . I further certify that the petition for review or appendix was correctly addressed and postage was pre-paid.

Signature _____ Date: 9/24/2020