

STATE OF WISCONSIN COURT OF APPEALS MILWAUKEE COUNTY

MILWAUKEE, COUNTY

Plaintiff-Respondent,

-Vs.-

FILED

District: 1

Appeal No. 2021AP001224

Circuit Court Case No. 2021TR007710

ROOSEVELT COOPER, JR.

APR 27 2022

Defendant-Appellant.

CLERK OF COURT OF APPEALS
OF WISCONSIN**RESPONSE TO COUNTY SUPPLEMENTAL RESPONSE BRIEF -MOTION**

The appellant Roosevelt Cooper, Jr. (herein referenced as accused/appellant), reserves all rights to due process. At no time does accused give permission to waive any Constitutional Rights. Accused pleads that you do not prejudice this motion and other filings because of spelling and grammatical errors. If any filing is unclear please inform accused.

On December 2, 2020 Deputy B. Scales issued a Wisconsin Department of Transportation (DOT) Uniform Citation No. BE100038-1, form MV4017 in error. On December 3, 2020 accused filled for several video files from Wisconsin DOT public record Division Traffic Management Center for freeway video surveillance for several miles of highway.¹ May 27, 2021 it was decided based on County video evidence to the court, accused was not guilty of the citation for violating Wis. Stat. § 346.62 (2) "recklessly endangering speed -- endangering safety."² Appellant argues that Judge Jonathan Richards unlawfully amended accusation to § 346.62 (2) without a formal charge, notice or defendant right to cross-examine charge, and forcing defendant to file for Appeal.³ April 11, 2022 the County in an ordered supplement

¹ Stated with 4-21-21 Pre Trial Conference Intake Statement that was unlawfully denied by circuit court commissioner and County filed against appellant will as a not guilty plea. Also stated in 5-24-21 Letters/Correspondence asking, "How will I be able to show video evidence in accordance with state rules appropriate protocols." Never received court instructions.

² R:36 1-53 Transcripts pg42 Line 22-24

³ R:36 1-53 Transcripts pg43 Line 4 and is a violation of the 14th Amendment. 5-27-21 trial judge instead of instructing pro se of process and what to expect. Contrary to SCR 60.04 (hm), Judge Jonathan Richards authoritatively lead defendant down a narrow single focus to appeal instead of other local remedies by stating at defendants every objection to file an appeal R:36 1-53 Transcripts pg.12 Line 19-21, pg. 13 Line 15-17, pg. 48 Line 12-13, pg. 49 Line 12-13,

response brief admitted the County denied accused the right to trial for both charges and for the judgment to be overturn on appeal so the County can try again⁴

This response is to address the supplement response brief the County entitled plaintiff-respondent motion. The Appeals court should not remand this case it would be injurious and unfair, wasting more time, cost, fees and resources.⁵ The Appeals court ordered that the County file a supplementary response to four questions stemming from arguments raised by accused. The Appeals court gave the County 'another try again' with the use of the accused arguments, acknowledging that pro se litigants are given "a degree of leeway in complying with the rules expected of lawyers."⁶ Giving Assistant District Attorney (ADA) Anna M. Meulbrock who violated two Subpoenas continued "leeway" to represent before this High Court with filings even though Meulbrock did not comply with the rules expected of a lawyer by disregarding court orders to appear at trial.⁷ This case and the arguments by the County lack a legal basis in determining the legal limit of speed or proving actual and potential hazards/danger on legal merits, were a new trial would not be reasonably purposeful.

The fourth question from the High Court, the accused will respond to first "(w)as Cooper denied his right to trial because he was denied the ability to cross-examine the deputy regarding the original citation for reckless driving-endangering safety and the amended citation of unreasonable and imprudent speed?" We all know this answer. Yes. True, to the fourth question because of the long list of evidence of instances of denial. Illegal denial, nullifies all the other questions making all actions irrelevant to a legally fair court hearing as

⁴ 4-11-22 Plaintiff-Respondent's Motion For by Subpoena violating ADA Anna M. Meulbrook pg4 and 5, ¶2 and ¶3

⁵ §809.25

⁶ Appeals court March 17, 2022 order

⁷ SCR 20

the question implies it was. The accused realize now struggling to put this together that this is the latest harm, injury and damage to the accused and my rights. I had to review and respond to questions that are null, when ones rights have been repeatedly violated, because no one in the judiciary system has stood up for the innocent accused, stood up for what is fair and just. DOT did respond with surveillance video with in 24 hours request of incident were I was wrongfully cited for reckless driving-endangering safety. I appreciate the DOT because it was the 3rd party, States evidence, the accused thought was needed to prove innocence. I admit, to miss understanding that the DA would be fair that if the DA got a chance to see the video as I express in pre trial, that the DA would be convinced as well of the fact I am and was innocent as expressed in my first December 2021 letter to the County Court and County DA office.

The County now admit that the accused rights were violated, the validation of the violation after first denying and resisting the facts for more than a year are a painfully reliving of the past years harm, injury and damages, with out seemingly justifiable remedy and relief for me. Accused moves again for immediate relief from this attack on my Constitutional liberties. Attention must be taken to investigate and punish all who violated such secrete laws. When did the County know the accused rights were denied and what did the DA do to correct the accused rights from being violated even more? How many of the County staff new of this unlawful violation? Surely, the DA and the DA Office Mangier knew of this case and my plea for due process, because booth sought to find me out. How many other DA's are involved in this violation of due process? This proceeding, the accused has undertaken to have a decision reconsidered by a higher authority does not feel like a reconsidering court? Accused is routinely told to not have shown good cause or explained what determines good or bad. Or "yes" or "no" questions are ignored as request for legal advice.

Accused argues innocence and at no time do I give permission to waive any Constitutional Rights! What protection must I believe awaits, at another trial? Another stab at the accused? More injury? I am a resident and I have given good steward to the County through 30 plus years of employment service. The State through the Milwaukee Circuit Court and District Attorney Office (DA) actions nullified accused ability to get public information and "discover" evidence needed to be heard that would prove innocence.⁸ What assurance will there be? The ones written into law did not serve accused in Circuit Court? Accused had a right to a jury trial were the County ran out time on providing discovery before time to decide and pay a fee.⁹ Who will protect my right/s to subpoena witnesses, when witness violated the subpoena? Who will protect my right to be informed by mail, of all the actions taken through electronic filing? Who will protect my right to have my filings listed on the public record as they were titled or how I entitled them on filed request to correct the court records? Who will mail me an apology letter and verification letters that the collection of the unlawful fine generated by a unlawful order confessed by the County? Who will resolve to correct the credit agencies record, Department of Motor vehicles and my insurer? All were unlawfully led to believe I was guilty of a crime that was adjudicated unlawfully. They need to know? I need to know? Who will pay back the hundreds may be thousands needed to correct the previous violations? Who?

The first question, "(w)as there sufficient evidence to find guilt of Unreasonable and Imprudent Speed?" The County opinionated narrative response is more proof the County was clearly erroneous, lacking legal merits and that the preponderance of the evidence shows the accused driving never potentially caused dangers or hazards. They argue, "When the sufficiency of evidence is challenged" the court sustains the circuit court's findings of

⁸ R: 36-12 L-19-20, R: 36-13 L-17-19, R: 36-48 L-12&13 and R: 36-48 L-11-13

⁹ R:12 1-3 5-20-20 Motion for Discovery and to Dismiss

fact unless they are clearly erroneous.¹⁰ The “sufficiency of evidence”, test guideline requires that evidence is uncontradicted.¹¹ The County concedes to the denial to a fair trial for both charges¹² The legal ability to challenge and contradict the sufficiency of evidence was denied as a right in order to fabricate uncontradicted evidence, with the act of “manufacturing” a crime, so the Appeals court should not sustain. The argument by the County to deny the accused a most important tool of discovery needed to affirmatively cross-examine a County paid, professional witness, has be unreasonably meaningless to the administration of justice. Accused has right to be informed of the evidence and witness statements in the prosecution’s possession. The County denied the accused at the expense of denying the County Circuit Court important legally filed exhibit evidence.

Example, the Clerk stated on the record the video presented by the County was not submitted as exhibit to the court. Only after the accused requested the video again, stating on the record ;¹³

THE DEFENDANT: Okay. And how can I get a copy of these transcripts, and how can I -- Is it possible that the DA can get me a copy of the video?

THE COURT: You can request a copy of this transcript.

THE DEFENDANT: Yes.

THE COURT: You have to talk to the court reporter.

THE CLERK: Is the exhibit admitted?

MS. SAINT PIERRE: I'm sorry, what?

THE CLERK: Did you admit the exhib-it?

THE COURT: Oh.

MS. SAINT PIERRE: No.

¹⁰ 4-11-22 Plaintiff-Respondent’s Motion For by Subpoena violating ADA Anna M. Meulbrook pg2¶2

¹¹ 2009 Black’s Law Dictionary 9th Ed

¹² 4-11-22 Plaintiff-Respondent’s Motion For by Subpoena violating ADA Anna M. Meulbrook pg4¶2

Further fact, the video is insufficient to determine speed. Legal limits in speed can't be measured visually with the human eye. If the video had been allowed as exhibit evidence according to do process rights, it would have clearly shown any perceived and or real danger particularly as it related to potentially hazardous driving. The accused had driven prudently were the judge repeatedly stated he did not see recklessness.¹⁴ The video was never submitted to the court or filed with the clerk. It must not be considered as valid exhibit evidence. The witness statements should be inadmissible, the testimony did not prove or disprove any facts in the case. "Sufficiency" must be of such great weight and qualitative value as is necessary for the purpose of proving endangering, potentially hazardous and or speeding.¹⁵ The unreliable and doubtful witness, had no measurement for speed as required by law, upon competent testimony.¹⁶ Thus the witness testimony should be seen as unconvincing. He was provided measuring tools paid for by state money. He didn't utilize, as a deputy is "required and trusted to work within the law."¹⁷ The witness raised "reasonable "doubt by testifying repeatedly, "I don't believe" and "I don't recall exactly", exhibiting less than exemplary recall answers (A) as part of his sworn testimony when questioned (Q) by ADA legal council:

Q Do you recall whether or not a turn signal was used in the lanes, when there was lane changes?

A I don't believe so.

Q And you had mentioned speeding how -- how far away do you think you were from that vehicle when you saw it?

¹³ pg4917-25 and pg 50L2-4

¹⁴ *id*, pg 42 L6-13 pg46 L22-24

¹⁵ 2009 Black's Law Dictionary 9th Ed

¹⁶ State v. Hanson, 85 Wis. 2d 233, 270 N.W.2d 212 (1978).

¹⁷ Milwaukee County Sheriff Office, Mission Vision Oath page section entitled Law Enforcement Officer Code of Conduct

A I don't recall exactly.¹⁸

The deputy, uncertain, for legal standards testified; "I believe there was excessive speeding..."¹⁹ He even stated a non-existing statute for the judge to use. Contradictory statements theorizing speed appears to have been an intent to help the judge and the ADA create a new charge.²⁰ The County argues, "(a) finding of fact is clearly erroneous if it is 'against the great weight and clear preponderance of the evidence.' Citing self-contradicting testimony, the court ruled "...you were going 80 miles an hour (mph) on the freeway".²¹ This contrasts arguments citing judge saying " I will take that - - of 35 miles an hour over the speed limit, but I do not find him (accused) guilty of reckless endangering safety."²² 80mph is 25mph over 55mph limit, not 35 mph, a 10 mph difference, another unverified and unmeasured speed recollection. Reasonable and prudent limits must be determined by calibrated measurements not eyeballs, visual guesses.²³ Speeding law is marked by exactness and accuracy of detail not ambiguousness obtained with a small 2 dimensional (2D=width and height) computer screen were the ADA warns "...Deputy Scales, its hard to see on the smaller screen."²⁴ Our world has more than 2D spatial dimensions, width, depth, height and time. Tools measure spatial realities to avoid guessing errors were the states high courts have determined that speed has to be measured accurately, calibrated, tested by competent operators of required facts.²⁵ Further the testimony was manipulated by ADA Saint Pierre tampering with the speed and image size of the 2D video we're she was the

¹⁸ R:36 1-53 Transcripts pg 16-17 L22-25 and L1-2

¹⁹ R:36 1-53 Transcripts pg16 L15

²⁰ R:36 1-53 Transcripts p43 L23

²¹ R36 1-53 Transcripts p42 L5

²² R:36 1-53 Transcripts pg42 L15-16

²³ State v. Hanson, 85 Wis. 2d 233, 270 N.W.2d 212 (1978), City of Wauwatosa v. Collett, 99 Wis. 2d 522, 299 N.W.2d 620 (Ct. App. 1980, State v. Kramer, 99 Wis. 2d 700, 299 N.W.2d 882 (1981), Washington County v. Luedtke, 135 Wis. 2d 131, 399 N.W.2d 906 (1987). and 99 Wis.2d 700 (1981) 299 N.W.2d 882 STATE of Wisconsin, Plaintiff- Respondent, v. John A. KRAMER, Defendant-Appellant-Petitioner. No. 79-1111. Supreme Court of Wisconsin.

²⁴ R:36 1-53 Transcripts pg22L1-2

²⁵ *id*

only one who controlled spatial dimension on her computer. Stating “I am going to change the playback speed ... again, then I’ll obviously enlarge the screen”²⁶ Such manipulation of possible exhibitory evidence is not reliable. Accused has argued playback speed and screen manipulation are tricks used in movies with car chases. You can’t tell how fast a car is moving in a Hollywood movie seen on a computer screen.²⁷ Further examination of the statutes, it shows there is no traffic law entitled “Unreasonable and Imprudent Speed”. In fact, “Unreasonable and Imprudent” is not used as legal language in 2020 Wisconsin Statutes Chapter 346 Rules of the Road. The words and phrases used in statute are important to proper meaning interpretation.²⁸ §346.57 is entitled Reasonable and prudent limit a title actually describing the accused driving, in the judge account saying “I did not see, however, any place where Mr. Cooper was endangering safety. I did not see a single car apply its brakes, I didn’t see a single car come close to him or come close to causing an accident.”²⁹ Thus was driving in a reasonable and prudent limit for all of the facts set forth here, there was not sufficient evidence of being guilty of Unreasonable and Imprudent Speed.

In the second question, Accused already shows “**Unreasonable and Imprudent Speed**” cannot be a legal finding of guilt because it is not part of the legal textualism of 2020 Wisconsin Statutes Rules of the Road.³⁰ As a necessary quality §§ 346.62 (2) and 346.56 (2) are synonymous in that a driver is creating a danger, thus are requisites quality of actual or potential hazards. They both are charges of danger, § 346.62 (2) “endanger” is necessary and §346.56 (2) the actual and potential hazards (danger) is necessary then existing.³¹ Both

²⁶ R:36 1-53 Transcripts pg22L16-20

²⁷ Directors usually cut to a close up of the vehicles speedometer and or tires rotating fast to convince viewer the vehicle is going faster than it truly is.

²⁸ State ex rel. Kalal v. Circuit Court for Dane County, 2004 WI 58. . . In Kalal, the court emphasized the importance of statutory text when it embraced the principle that a court’s role is to determine what a statute means rather than determine what the legislature intended.

²⁹ pg 42 L6-13 pg46 L22-24

³⁰ Marquette Law Review. Volume 100, Issue 3 Spring 2017, Interpreting Wisconsin Statutes Daniel R. Suhr, Article 8

³¹ Webster New International Dictionary 2nd Edition Unabridged

merely requires proof that the person was driving in a manner that may “endanger...by the negligent operation” or having “(dis)regard for the actual and potential hazards then existing” for the safety of any person or property. § 346.62 (2) “negligent operation” language is characterized by Blacks Law Dictionary by a person's failure to exercise the degree of care of ‘prudence operation’, prudence is part of the legal title for §346.56 (2) thus both are connected by the defined meanings. The County conceded, the “driving behavior did not amount to reckless driving that endangered safety.”³² The accused view the court eroded finding that there was sufficient evidence to prove that the accused was traveling at an unreasonable and imprudent speed because no law exists and prudent is to neglect as hazard is to danger. Were the judge also said “...because I didn’t - - even though that there was no - - I didn’t see you nearly causing an accident or anything like that.”³³

The third question, the court suggestion was predicated by purposely denying the accused access to discovery, the ability to cross-examine and affirmingly arguing on the merits facts. By focusing appeals every time any concerns or disagreement on reasonableness was made.³⁴ All done not too be reasonably purposeful in order to “move this case along.”³⁵ The County states, “(t)he Wisconsin Supreme Court ruled in *State v. Peterson* that the circuit court has the power to amend a charge “to conform to the proof presented at trial.”³⁶ As previously stated by the accused the testimony at trail is to contrary and not to the standard

³² R:36 1-53 Transcripts pg 42

³³ Milwaukee Circuit Court 5-27-21 Transcripts p46 L22-24 is important to note the number of times through out that key language is omitted from transcript with the use of “- -” partly because the ADA was not prepared causing the bailiff deputy, judge, witness deputy and accused to huddle around ADA small computer thus one prosecutions microphone for recording. Illustrating the collective effort to help the unprepared unsubstantiated charges of the County.

³⁴ R:36-43 L 4 and is a violation of the 14th Amendment. 5-27-21 trial judge instead of instructing pro se of process and what to expect. Contrary to SCR 60.04 (hm), Judge Jonathan Richards authoritatively lead defendant down a narrow single focus to appeal instead of other local remedies by stating at defendants every objection to file an appeal R:36-12 L19-21, pg. 13 Line 15-17, pg. 48 Line 12-13, pg. 49 Line 12-13

³⁵ Milwaukee Circuit Court 5-27-21 Transcripts pg39 L25

³⁶ *State v. Peterson*, 104 Wis. 2d 616, 626, 312 N.W.2d 784, 789 (1981).

test in law for determining speed.³⁷ It is accused view that the judge would have not found accused guilty on speeding if accuse was able to state the legal rules for determining speed. Or be able to state that pacing to determine speed is against the law because there is no written polices and if it was it was not published, not enforceable.³⁸ That crossing the gore contrary to the deputy deceptive testimony is not against the law, to cross white lines of the gore especially in order to prevent an accident.³⁹ The deputy testimony was flawed as enumerated earlier with uncertainty and speculative belief theories, making the witness testimony not proof worthy at trial.

The court finding, of guilt of speeding, is in error because the finding does not conform to the proof that would have been presented in trail if the accuser was not denied the right to due process at trial. Its understandable the ADA's want to help their colleagues and the judge want to help ADA's become future judges to the bench, but not at the expense of the accused rights as a innocent party. The accused never consented to trial always advocating innocence at the intake hearing and pretrial conference. Rights like, Legal notification requirements test, was denied. 1st accused never had actual knowledge of amended charge. 2nd accused never had received information about it.⁴⁰ 3rd accused did have reason to know about it.⁴¹ 4th accused did not know about a related fact, or 5th accused was not given consideration as to have been able to ascertain charge by checking an official filing or recording.⁴²

³⁷ City of Wauwatosa v. Collett, 99 Wis. 2d 522, 299 N.W.2d 620 (Ct. App. 1980

³⁸ Federal Administrative Procedure Act, Wisconsin Constitution Article IV §17, §346.04(6) and On July 29, 2021 the Milwaukee County Sheriff Office public Records division record custodian, Michael Murphy stated in a response to a Request from Mr. Cooper that; "(u)pon inspection, an extensive search of our records indicates we have no records responsive to your request (for 'Pacing traffic procedures')."

³⁹ DOT traffic control devices guide

⁴⁰ Accused never got anything in writing on amended charge until accused paid for transcripts.

⁴¹ Accused never got to how about it only receiving a dept slip from the court.

⁴² Accused never given chance to prepare by checking official records.

Conclusion

Accused moves based upon the laws and cases expressed, for the court to accept these arguments and move to dismiss with prejudice so that charges are not riffled again. To prevent a frivolous new trial what would most likely end in an Appeal again. That the County has already did clear harm, injury and damage and its still occurring. Accused moves again for immediate relief from this attack on Constitutional Liberties. Attention must be taken to investigate and punish all who violated such secrete laws. Please have filings sent immediately to accused address at, 1033 W. Atkinson Ave. Apt2, Milwaukee, WI 53206-3084. **Please call 414-252-8849 to inform accused of this motion filing.** Also accused moves that the Appeals punish The County and all its affiliates that are responsible for these violations of statue, due process and any additional actions the High Court see fit to stop and deter the Counties violations in the further, reaffirming pubic trust.

Dated this 25th day of March 2022

Submitted and Singed *propria persona*,

A handwritten signature in blue ink, reading "Roosevelt Cooper, Jr.", written over a horizontal line.

Roosevelt Cooper, Jr., Appellant

Roosevelt Cooper
1033 W Atkinson # 2
Milwaukee Wisconsin
5320

OF THE RETURN ADDRESS FOLD AS SHOWN
CERTIFIED MAIL



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