10AP0712

COURT OF APPEALS OF WISCONSIN
DISTRICT II

Appeal No. 2010AP000712

Circuit Court Case No. 2007TR006277

COUNTY OF FOND DU LAC,

Plaintiff-Respondent,

v.

D. T. KEDINGER,

Defendant-Appellant.

ON APPEAL FROM THE
CIRCUIT COURT OF FOND DU LAC COUNTY
HONORABLE STEVEN W. WEINKE, PRESIDING

BRIEF OF DEFENDANT-APPELLANT

D.T. KEDINGER,
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STATEMENT OF THE ISSUES

Does the defendant have a right of notice to trial before a hearing, when disposed out of state, due to health without notice?

Does the Court have a right to a pre-disposed conclusion before a trial starts?

Does the Court have a right to freely deny access to a Jury Trial without input from the defendant?

Does the Court have a right to deny access to interpreters before conclusions of the issues?

STATEMENT ON ORAL ARGUMENT

Oral argument will not provide any substantial assistance to the appellate Court in resolving the issues presented on this appeal. Oral Argument is therefore not requested. Is therefore remanded for their sole discretion

STATEMENT ON PUBLICATION

Publication of this case would be remanded to the guidance of the Wisconsin Appeal Courts on procedural issues not previously addressed. Publication is therefore requested on issues not formally addressed before the court

INTRODUCTION

I. Nature Of The Case.

One needs to note that I am not an attorney, or any other kind of legal authority, and have little resources to my disposal, except the real truth, as seen, experienced first hand, and personally known to be fact. This of course is of little interest to the people who think of themselves as Sacrosanct but remember absolute power corrupts absolutely. I recommend those first reading this, read all of the appendix first to get a feel of what is going on, to better understand the situation before getting into the thick of it all. I would also recommend acquiring all of the following attorney general reports listed as follows by date filed by certified mail to the AG. 8/23/10, 4/6/10, 12/28/09, 10/8/09, 8/6/09, 5/6/09, 5/5/09, /5/09, 8/10/09, 1/15/09, 6/18/08, 8/1/08, 3/27/08, 4/17/08, 3/12/08, 2/27/08, 2/16/08, 2/14/08, 2/13/08, 10/17/07, 6/14/07, 5/29/07, 7/5/06, 6/16/06, 2/8/06, 4/5/04, 4/15/03, 9/30/02, 1/26/01, 12/28/99, then there are the complaints made to the cities and many other places due to defamations, etc. There has also been many personal reports made to the sheriff dept. through out this period. Noon seem to remedy the problems due to all of the collusions, because you all sleep in the same bed together and use the same toilet, as

none wants to foul it for the next person as then that is the way it will be for them this includes public attorneys.

This case really is a big disgrace to Fond du lac County and the Judicial as a whole, state wide for what has been done and continues to this day. This includes harassment by stopping this person, at home and in vehicle, and drawing guns with threats of assault against myself, WITH PEOPLE ALLOWED TO SHOOT HOLES INTO BUILDINGS HERE, and all I am doing is sitting still trying not to do anything to provoke any actions, however they continue to look for ways to commit legal murder, etc. This has destroyed not only myself by gossip and defamations, but family, friends, businesses, and gives us all a very big black eye as a community who is easily swayed by anything to run this person down in the public eye. This to say nothing of the health problems it continues to give to us all, as this is a way they have found to legally get away with killing people, etc. I can only bring forth what is clearly seen going on, but the past has shown it will be ignored, and am sure that whom ever may be deciding this will say it is insufficiently processed, (which it may well be), or what the terms maybe used to deny access to justice. This

is all too much for what a reasonable person would expect, and too much for a person with multiple disabilities to do. Therefore the appendix is not complete of all records, as it would require reams of paper for each one. A reasonable person should not be expected to do this, let a lone a poor one under § 814.29 at the time, which is expected to fail due to the course of processes that is a "set up to fail".

This case has little to do with the ticket issued at the time and has resulted due to continued intimidation to this day yet, with harassment and mercilessly being taunted by the Fond du lac County Sheriff's office in process of defamation to force the defendant to back down and submit to continued forms of malfeasance based upon defamation started and continued by them in the first place, (see record # 46, 56), and the state blacklist system, a system that has failed all of us and in truth "IS CORRUPTION", being prorogated. Yes I understand starting out this way will fail the outcome, but it will anyway no matter what is done to prove otherwise, and understand that you can't allow a poor citizen, (whom the court forced into poverty to begin with), to win and buck the system, as that would result in more people attempting to gain true justice from an already very skewed and dishonest justice system in

collusions within, starting locally. My use of free speech, the right of the first amendment in bold canter with honesty alone, I expect will deny justice.

ARGUMENT

I. CONTRARY TO ALL OF THE PAPERS FILED WITHIN, IT COMES DOWN TO NO NOTICE OF TRAIL THAT WAS A PREDISPOSED CONCLUSION LONG BEFORE IT EVER STARTED.

This is a fundamental defect which deprived the trial court of jurisdiction to consider the motions and responses to effectively make a proper decision, thus making it a one sided conclusion that denied justice. See related papers in record # 80, 84.

A. THE COURT ERRED BY DENYING DUE PROCESS.

EXAMPLE: West Publishing Company, Wis. 1997. "Right of access to Courts" is secured by First and Fourteenth Amendments and entitles individual to fair opportunity to present his or her claim. U.S.C.A. Const. Amends. 1,14.

Penterman v. Wisconsin Elec. Power Co. 211 Wis.2d 458, 565 N.W.2d 521 (Also) Bell v. City of Milwaukee, 746 F.2d 1205 (many more can be found if need be, but the following makes it proof of what I say here.)

B. THE COURT ERRED BY DENYING EQUITABLE RELIEF.

No one should be permitted to retain an unconscionable advantage procured in a court, because an adversary, without any fault on his or her part, was precluded from presenting his or her defense.

Ellis v. Gordon, 202 Wis. 134, 231 N.W. 585 (1930).

The power of equity is as broad as the maxim "there is no wrong without a remedy." Laun v. Kipp, 155 Wis. 347, 145 N.W. 183, 5 A.L.R. 655 (1914).

The court, acting on the party who obtained an Un-conscionable judgment because of matters not brought to the attention of the court, prevents him or her from being enriched by the judgment. **"COLLUSION"**

Kiel v. Scott & Williams, 186 Wis. 415, 202 N.W. 672 (1925); Washburn Land Co. v. White River Lumber Co., 165 Wis. 112, 161 N.W. 547 (1917); Zohrlaut v. Mengelberg, 158 Wis. 392, 149 N.W. 280 (1914).

II. DEFENDANT PRESENTED A VALID DEMAND FOR JURY, A CONDUCTION OF THE TRIAL WITHOUT JURY VIOLATED HIS CONSTITUTIONAL RIGHTS AND NECESSITATES A NEW TRIAL . . .

Petitioner presented a valid demand for Jury; a conduction of the trial without a jury violated constitutional rights, and necessitates a new trial, or vacating the claim.

Article I, Section 5 of the Wisconsin Constitution guarantees a Litigants right to a jury in Wisconsin. No evidence exists in the record that the petitioner ever waived this right to a jury. Without such a waiver, a jury must be provided.

Wis. Stat. § 805.01 both codifies the right to a jury and governs the procedure for waiver of a jury trial. No evidence exists in the record that the petitioner ever waived his right to a jury. Without such a waiver, and because the order requiring prepayment of jury fees was invalid, this court must conclude that the petitioner timely filed a proper jury demand and was improperly denied his constitutionally guaranteed right to a jury.

File item # 94, page 2, states the "The State believes the defendant has met the time requirements in requesting a Jury Trial." Motions for Jury was ignored and noted in Recorded under #'s 2, 10, 94, 99

A. OTHER NOTES OF INTEREST: (Record #'s noted are Not within the appendix due to it requiring printing a ream of paper for each of the 15 copies made), Motions for substitution and/or for change of venue was made and ignored though out the process and can be found in Record multiple times in

the record under #'s 3, 4, 5, 8, 9, 12, 36, 37, 51, 52, 56, 74, 75, 95, 96, 98, 99 and others. Also denied access to evidence as noted in #'s 2, 26, 42. THERE WAS NO NOTICE OF DEPOSITIONS RECEIVED BY THE DEFENSE, Noted in record #'s 48, 56, 58.

B. THE INCLUSIONARY APPROACH RULE: should apply, as this is all connected from the beginning, as all others are directly connected to the case of 06 CV 131, see record # 29. this is how they legally get away with killing people.

III. THE CIRCUIT COURT ABUSED ITS DISCRETION IN A MANNER VIOLATIVE OF KEDINGER'S DUE PROCESS RIGHTS BY FAILING TO PROVIDE ACCESS TO A MEANINGFUL UNDERSTANDING OF COURT PROCEEDINGS DUE TO NO ACCESS TO AN INTERPRETER, THUS DENYING DUE PROCESS OF LAW.

It is clear from the actions of the Court that they feel they have the ability to do as they please. They have violated the past actions of the Appeal Court ruling of Feb. 18th, 2009, local case 2006 CV 131, 316 Wis. 2d 548; 766 N.W. 2d 219. The question that needs to be answered is that if they must provide an interpreter before any decision is made for all hearings before satisfactory decision is made for all concerned, over riding any defamation or hearsay.

A. THE DEFENSE IS GAGGED. These actions by law enforcement and Judges are allowed to propagate the rumors by denying access to understanding at a hearing fosters more rumors. Several attorneys have clearly stated that would be the reasoning for denying due process of law, to force a person out of their home and move else where, to

not any longer have to provide services to the hearing impaired so others may do the same as well, and move onto people with all disabilities. Looks a lot like Gestapo Nazi Tactics.

The Sheriff Dept. is the principal and responsible party behind the problems from day one. This is nothing more than for them to get their pound of flesh for exposing their corruption. Like Nazis, they do all they can to make sure some are not part of the community. It's a forgone predisposed conclusion - fueled by petty gossip created by Dominated Option, they started in the first place. Law enforcement in this case are the Criminals In Disguise, and The Public needed someone to hate just like law enforcement did, as craving cowards who refuse to take responsibility for their actions, do in leading a mob by the nose, teaching hate. Clearly Their Thinking is Flawed, and Skewed. Related information located in record # 59, 95.

An example of this is the false information provided in response by the Fond du lac County DA himself in answer in case 2008 AP 2851 and fraud perpetrated upon the Wisconsin supreme Court, by being miss lead by a one sided reply, with false information, resulted in making them look dumber than they are, or are they, that all of my appeals are done, when in fact they may have just started, will be by in book form to the public?

B. THE RECORD IS INCOMPLETE. It is missing the courts Minutes A-APP. 103 that show its state of mind when denying sealing of the health records. Number 75, Exhibit E, p 11.

The time and reams of paper used and needed already make this unworthy of your continued denial of justice. It is time that I start in my endeavors of writing books on the matters of injustice and why our taxes are so high as a result there of, etc. due to the corruption of the system.

If by chance if this was to pass your mustard it would only continue on the harassment, when in fact any honest Court outside of this County would have thrown it out to start with due to the officers past problems of dishonesty.

C. **The Police State**.

People are not as stupid as you would like to think they are. My vitriol is well deserved and the public thinks so too concerning the superlatives in atonal garbage that is in control of our government that is seriously culpable, but this process has slowly caused the acceptance of the unlawful diminishing of our rights in favor of the police powers of the government, supposedly to protect our safety and moral society. However all other powers not so enumerated in the constitution, resides with the citizens themselves as described within the amendments to the U.S. Constitution, and so lacks the power and authority to do anything outside the Constitution. If the Courts can rule on acts enforcing the laws made by the Congress in a way other than they are written, and then change the laws passed by Congress, through their own interpretation, this can only be described as a clear undermining of the intent of the U.S. Constitution, and such acts are clearly defined to be SEDITION. As a government that rules in such a way is actually in a state of anarchy, passing and enforcing laws that are not laws at all, and when society accepts this state as a matter of convenience or self-interest, it grows on itself and always ends up as a TOTALITARIAN POLICE STATE. This is where we are heading, at great cost to all.

CONCLUSION

Thou this be it your life, (The Court System), I have a life also that Does NOT Involve: Continued Harassment and Intimidation of others for my own pleasure in unswerving biases that consequence distorts by smear and skeptically systematic in cognitive dissonance, (implausible unprecedented - actual malice by those in our government). When law enforcement are allowed to getaway with such actions and the law enforcement support each other in such matters, its Not any different than you personally going out and spitting in the face of our service men defending our country and stumping upon the graves of the dead who have defended the U.S. Constitution in war or other conflicts.

This defeat is both frustrating and inspiring to expose the corruption of law enforcement and community working diligently to deny access is expensive and extravagant upon those who are not guilty, government in battles commit fraud as agenda-driven plaintiffs and legal examiners that put innocent people in jail and leave violent criminals on the streets when they should be jailed themselves for what

they are doing here. My intent is in no way to belittle or imply that anyone is dumb, but what they are doing is dumb, as they have done to us to taint the record in truth, but their actions are irrational and unfounded fears are propagated and allowed to infest the minds of other decision-makers and the madness needs to be stopped.

They say they are not allowed to lie, (that's a lie in it's self), if you lie, cheat or steal you are doing all three at the same time. One can expect plenty of omissions, miss directions, exaggerations, unjustified optimism, lost documents, unclear explanations, gray areas and tactical ignorance, and anything to taint the record against the persons they do not want to receive justice. The purpose to make it harder so it is to take decisive action, as you become more informed, you start seeing the complexities and shades of gray to create the realization that nothing is clear and simple as it first appears. Ultimately, knowledge is crippling and paralyzing, in the end you end up doing nothing, but cause more damage.

Thank you for taking the time in considering these views in complaint, thou the outcome is already pre-determined long

before this got here in print. My health is of issue today, and I AM OUT OF TIME.

Dated this 9th day of September 2010

D. Kedinger.

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CERTIFICATION

I hereby certify that this brief conforms to the rules contained in § 809.19(8) (b) and (c) for a brief produced with a monospaced font: 10 characters per inch, Courier New - 12; The length of this Brief is 15 pages and consists of a table of contents, and covers.

Dated this 9th day of September, 2010

By:

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