

STATE OF WISCONSIN  
COURT OF APPEALS  
DISTRICT II

Appeal # 2016AP1149

STATE OF WISCONSIN,  
Plaintiff-Respondent,  
v.  
PAUL ADAMS,  
Defendant-Appellant.

RECEIVED  
MAY 04 2017  
CLERK OF COURT OF APPEALS  
OF WISCONSIN

ON APPEAL FROM THE DENIAL OF A MOTION TO REVERSE A VOID  
COLLECTIONS ORDER AGAINST ADAMS RENDERED BY JUDGE  
MAXWELL IN A DEFAULT JUDGEMNT, Waukesha COUNTY

STATEMENT OF THE CASE

On April 1, 2016 Adams filed a motion in the Waukesha County  
Circuit Court injunctive relief and a cost determination.

Attached to said motion was the transcript sentencing hearing in  
case 04CM940. During said hearing the judge ordered that I pay a  
2,674 \$ fine or serve an alternate 54 days in jail in lieu of the  
fine.

During the May 25, 2016 hearing on my motion resulting in this  
appeal, the court did not address the issues raised in Adams mot-  
ion and cut Adams off from raising any further issues (R71).  
However, Adams did prove to the court that the collections dic-  
ision and order was fatally and factually inaccurate rendering  
it void (R71.P7,L 12,13,14).

ARGUMENT

Where a defendant stands the chance of loss of liberty and/or  
property. He is entitled to notice, and a chance to present  
evidence in his defence. Notice is a meaningless gesture if  
a defendant is not provided with the evidence the opposition  
intends to use against him, and he is deprived of his right  
to appear. This is a violation of fundamental due process and  
fairness which renders any such judgment void. See 806.07(1)(d)

The court/stae cannot simply withhold the evidence it used  
against Adams, ignore the fatal flaw as stated above, and  
then make a finding(s) of facts on no facts. Adams did  
motion the circuit court for these records. See appn exhibit(A);  
which was forwarded to this court. The circuit court did  
deny said motion. See appn exhibit (B). These records were  
before the court. See appn exhibit(C).

Adams states those records are the very records that the  
circuit court used to make its collections decision and  
order against Adams. See exhibit (D).

On November 22, 2013, Judge Maxwell issued a default judgment against Adams in case 13TR5557. Adams was in custody of the Waukesha sheriffs housed at Sturtivant Transitional Facility (STF)., on November 22, 2013. In addition, 13TR5557 was suppose to be dismissed as a result of a plea deal in 13CF1535.

Adams request that this court take judicial notice of the following attached official court records, Exhibits;(E),(F), (G),(H),and(I). Exhibit (F) proves that there was a 2,674 \$ error in the collections order. Exhibit (G) Adams was given credit for time served in the waukesha co., jail.

Exhibit (H) was dismissed in a criminal plea deal in 08CF992,which is before this court on other matters in # 2016AP2326.

The circuit court erred in its decision.

A finding is " clearly erroneous " when although there is evidence to support it, the reviewing court on the intire evidence is left with the deffinate and firm conviction that a mistake has been made, See, Anderson v Bessemen, City, 470 U.S 564 (1985).

During this Mat 25,2016 hearing on Adams motion, the court/state did not address the issues Adams raised in his motion, did not use the evidence it had before it to make findings of fact and conclusions of law on.

Clearly that was error.

The collections order is fatilly flawed and is a void judgment and must be reversed, See appn exhibit ((E).

Wherefore, Adams moves this court to reverse the circuit dicision, and remand this case with instructions.

May 1, 2017



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CC: ATTY. gEN

appendix

exhibits (a) to ((i)).