COURT OF APPEALS OF WISCONSIN DISTRICT III

City of New Richmond,

Plaintiff-Respondent,

vs.

Warren Slocum

Defendant-Appellant

Appellant's Reply Brief

Appeal No. 2016 AP 1887

Circuit Court Case No. 2015 CV 467

From a decision(s) in St. Croix County Court, by Judge Vlack

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Table of Authorities: Reference is made to cases 16ap1006, 14cv240, 16cv161, and 14cv145. These references appear on several pages within this brief.

The local judge's decisions on appeal are R-27 and R-29.

Also mentioned is a document indexed as R-1.

Statement of the Issues:

The issues of the case have been identified in my first brief.

In this reply brief, I'll respond to the Respondent's Brief, where vacuous, irrelevant assertions are made of a personal ad hominem nature (as a transparent smear campaign), along with various claims of the insufficiency and inadequacy of my submissions to the courts.

The Respondent's Brief makes many attempts to buttress the circuit court's handling and decision in the case, but these transparent, factually incorrect assertions are illogical, far-fetched clutching at straws, in light of the circumstances of the case.

The Respondent's Brief, for example, claims that (among other things):

1) The local judge acted properly in not holding the specified trial by jury
2) Evidence supports the claims of wrongdoing in civil process service
3) Photographic exhibit evidence was properly submitted, and it constitutes proof of wrongdoing in civil process service because it was not objected to.
4) Flaws exist in my submissions to the courts (argument not observation)
5) My history of litigations defines me as unworthy of proper judicial attention. These are ad hominem attacks citing issues that are misleadingly and incorrectly represented/described in the Respondent's Brief
6) The many contradictions, inconsistencies, and outright absurdities of the Plaintiff-Respondent's claims/testimony should be overlooked, ignored, and disregarded

These and other issues raised in the Respondent's Brief will be addressed in this reply brief.

Statement regarding oral argument and publishing of decision: Oral argument is requested. It is also requested that the court's decisions be published.

The Respondent's Brief mistakenly claims that the case does not qualify for either oral argument or publishing, but these claims are invalidated because of judicial precedents that have been solidly established clearly indicate that the Respondent seeks to have the local judge's decision affirmed by the Court of Appeals without recognizing how inconsistent that would be with established criteria determining and defining what constitutes disorderly conduct.

Statement of the Case:

Again, I won't repeat the Statement of the Case from my initial brief, but will instead reply to the Respondent's Brief, which has sought to distract and redirect judicial attention from the actual circumstances of the case, to alternatively create and portray entirely different circumstances than those that actually exist.

These tactics by the Respondent's lawyer rely on various means of fallacious thinking, such as false equivalences, and ad hominem attacks that are directed against me as a person, and not addressing the actual issues, circumstances, and credible evidence of this case.

The Respondent's lawyer acknowledges that jury fees can be waived by petition, but claims that a separate petition for jury fees needs to be submitted----separate from the initial petition for waiver of fees that was not only for filing fees, but which was also intended and accepted for jury fees by the first judge in the case.

The respective fees for jury trial and court trial were clearly designated and delineated in the Municipal Court's form for appeal to the Circuit Court (submitted as part of R-1), and the jury trial cost was clearly specified on that form that included a single, cumulative total cost for trial by jury---a single figure that included ***both*** filing fees and jury fees.

The Respondent's lawyer claims that notice of the second local judge's different opinion requiring separate payment or petition for jury fees should have been promptly acted on, even though such notice was never received----just as other necessary documents were not received by even the Respondent's lawyer, who claimed that she hadn't received documents relating to the record of the case.

These clerical irregularities also extend to other drastic mishandling by the local court of the index of the record of the case, a third (3^{rd}) version of which was submitted to the Court of Appeals on March 13, 2017---three weeks after my initial brief was submitted.

According to statutory judicial procedures, my initial Appellant's Brief should not therefore be due to be filed with the Court of Appeals until April 22, 2017----a date which has not yet been arrived at---for a couple more weeks.

The Respondent's lawyer has similarly disregarded procedures requiring that three (3) copies of her Respondent's Brief be provided to me.

Instead, she has only provided me with one (1) copy of the Respondent's Brief, as indicated by her cover letter accompanying her submission of the Respondent's Brief.

As a low-income litigant, I am required to only provide a single copy of my briefs to the other party in the appeal (and only five---not nine) copies to the Court of Appeals.

These qualifications for a reduced number of briefs do not, however, apply to the Plaintiff-Respondent in this case----since they do not qualify as indigent parties in the litigation.

The Respondent's lawyer's failure to adhere to these statutory requirements has significantly interfered with my litigation of this case, as it has been difficult to gain helpful advice and input from legal advisers, without sufficient copies of the Respondent's Brief to provide them with.

The evidence in the case does not support the local judge's decision, or the claims made in the Respondent's Brief, since the snow footprints and door damage were obviously and admittedly fabricated the day *after* process service was attempted at the Burke home---it was made up retroactively--- to bolster the claims of wrongdoing in the civil process service.

Neither of those claims (or others like banging on the door) were mentioned in the initial complaints to police, or in the 911 call, so their credibility is an issue, as is the question of their not conforming to the local judge's (and the Respondent's own) limitations of evidence submission.

Additional evidentiary issues of credibility arise from Ms. Burke's claims that her husband slept soundly right through what she later described as her fear of a violent break-in attempt at their home.

Other explanations for her husband's behavior are quite different, and less absurd.

The Respondent's Brief makes repeated references to my not objecting to the photos submitted at trial.

It was not made clear until late in the trial that the photos were taken the day *after* the civil process service.

Additionally, my not objecting to the photos should not be construed as admission that the photos accurately and definitively comprise and depict wrongful behavior during process service.

Instead, the photos can be seen as a desperate attempt at supporting what realistically can be seen as an extravagant effort by the Respondent at placing blame, and finding fault, in order to impose punitive consequences.

The Respondent's brief also attempts to find faults with my submissions to the courts, using tired and transparent attempts at asserting "argument", not observation of obvious facts.

The Respondent's Brief additionally attempts to portray me as a troublesome individual who has made unreasonable demands on the judicial system.

This tactic is quite transparent as a distraction from the actual issues of the case---a smear campaign aimed at compromising the impartiality of courts.

The procedures of civil process service require that due diligence is required, and the case issue revolves around what constitutes due diligence, when dealing with a recipient of service who has clearly demonstrated evasiveness and elusiveness, as Mr. Burke repeatedly did in the weeks before process service was finally and eventually attempted at his home---according to clearly established and specifically delineated/enumerated statutory procedures for civil process service that were identified in my first brief.

Statement of the Facts:

The case was to be a jury trial, and the jury costs were clearly specified/included in the original submission of the case on appeal from a Municipal Court.

The petition for waiver of fees (both filing fees and jury fees) was granted by the first local judge in the case.

It was the second judge in the case that separated the filing fees from the jury fees, and claimed that only filing fees were waived, not jury fees.

A trial by the court--- without a jury--- allows a judge to determine a verdict, so a judge who does not wish to allow others to make decisions can favor a court trial over a jury trial.

The local judge who disallowed a jury trial has shown a chronic prejudice and inattentiveness toward my litigations, claiming, for example, that my property tax cases focus only on the claim that my taxes are too high.

This incorrect claim by the local judge has been echoed by the Court of Appeals, but it is easily disproven by the verified facts that:

1) it is the wildly imperfect parcel descriptions that I've long tried to correct, as in 14cv240 (16ap1006). These parcel descriptions are so incorrect that they place the property in an entirely wrong geographical Section of the township----a mile away from its actual, proper location.

2) my taxes are not solely determined by my assessments, an unusual situation that results from enrollment in the Managed Forest Law program (MFL).

Taxes on MFL acreage are a uniform, standardized amount-per-acre that does not have anything at all to do with market value of real estate.

My taxes on MFL land would remain unchanged at their current rate, regardless of whether the land was valued at a million dollars-per-acre ($1,000,000/acre), or a hundred dollars-per-acre ($100), so the property tax/assessment issues are not nearly as simplistic as they've been portrayed by the courts.

A court can dismiss a case as frivolous if it wishes to denigrate the case's validity/credibility without fully or responsibly adjudicating the action on its merits.

The local judge in this case has repeatedly engaged in precisely that approach, as in 14cv240, and others.

The intended recipient of the civil process service has long participated in obstructing the correction of the imperfect parcel descriptions for property tax purposes, despite his statutory obligations to correcting them.

This misconduct is the subject of case ~~14~~16cv161.

The misconduct of city police in obstructing legal adherence to the statutory provisions of civil process service in this incident is the subject of ~~14~~16cv145.

Argument Section:

The Respondent's Brief attempts to justify the local judge's separation of filing fees from jury fees, but it is clear that the two fees are combined in the Municipal Court's form for appealing to a circuit court.

It is absurd to suggest that these fees have to be paid as separate amounts, when they are instead combined on the appeal form.

My single petition for waiver of fees was accepted for a clearly designated jury trial, and this waiver of fees applies to the combined amount (filing and jury fees)

The second local judge appears to be preferring to have personal control over the trial's outcome, by refusing to allow a jury trial, and instead insisting on a trial by the court---himself.

The retroactive separation, isolation, and compartmentalization of the fees as separate entities that cannot be paid together defies reason, especially when the respective, combined fees are respectively presented on the legal forms as a cumulative total---not as individual components requiring separate payments or waivers.

The local judge is being excessively controlling and arbitrary, as he attempts to assert inordinate, inappropriate control over the outcome of the trial.

The Respondent's Brief misleadingly attempts to portray the case's evidence as indicative of wrongdoing in civil process service.

This is a transparent tactic that is absurdly flawed.

Anyone could have made footprints in the snow---even the Burkes, as they retroactively attempt to claim impropriety in civil process service.

The photograph of a broken door jam isn't consistent with the original claims of doorbell ringing, and it was fabricated retroactively---the day after the attempted civil process service.

Similarly, Ms. Burke's testimony is full of inconsistencies, contradictions, and absurdities.

For example, if a violent, forcible break-in attempt was taking place at the Burke home, Mr. Burke would not be able to soundly sleep through it---he would have been awakened by the disruption, and/or his wife.

Mr. Burke was instead simply trying to avoid process service, by not appearing at the door.

Ms. Burke is a public figure, as a Notary Public, and her home address is publicly listed as a resource for people seeking the help of officials entrusted to provide various public services requiring the notarization of documents.

Her husband is also a public figure, functioning as both clerk and treasurer of Star Prairie township, in which position he is the officially designated recipient of civil process service of various legal documents.

It is not unreasonable for either of these people to receive the public at their residence, and it is designated by statute to be appropriate.

There are no designated hours of the day for these services to occur, and it is not unreasonable to seek them at eight o'clock in the evening, or later (8 pm).

It was only Mr. Burke's repeated attempts at evading civil process service at the township hall that necessitated a visit to his home.

Such residential visits for civil process service are legal, as designated by statutes I've identified in my first brief.

The Respondent's lawyer tries (in the respondent's brief) to claim that my submissions to the courts are flawed, insufficient, and inadequate.

One of her claims is that I've made arguments instead of statements of observation.

The lawyer attempts in this way (and others) to divert and distract attention from the issues, circumstances, and merits of the case.

The lawyer's attempts at smearing my reputation as a responsible citizen include ad hominem attacks involving assertions of misuse of the legal system.

These transparent tactics are easily dismissed as an indication of her desperate clutching-at-straws--- attempting to denigrate my personal credibility, as a means to justify a lack of appropriate and responsible judicial attention to the case.

When local, low-level authorities and officials complicitly act together to deprive targeted citizens of their legal rights, it is the courts' function to perform their intended

purpose of providing checks and balances to abuses of power of local government officials.

It is that correction of that local abuse of power that is sought in this appeal, by recognizing that established judicial precedents define disorderly conduct not by the responses or reactions of some hypersensitive individuals, but instead by an evaluation of the circumstances of such incidents where dutiful citizen action is punished by those who find adherence to their official duties and obligations to be inconvenient, or bothersome, when their loyalties and preferences are elsewhere than strict adherence to our state's statutory and judicial requirements.

Conclusion:

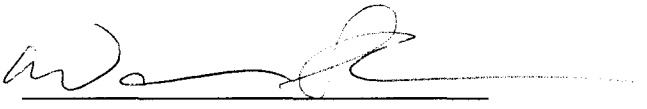
The local judge erred in converting the jury trial case to one before himself alone.

He also erred in allowing a double-standard of the admissibility of evidence--- excluding contextual and circumstantial evidence/testimony from myself as Defendant, while allowing evidence from the Plaintiff that did not meet the Plaintiff's own restrictions and constraints on admissible evidence.

The relief sought in this action is to have the local judge's decisions reversed. If another trial is ordered, it is requested that such a trial be conducted before a jury, as the first trial was also to be conducted.

Certification of Brief: I certify that this brief conforms to the rules contained in s. 809.19(8)(b) and (c) for a brief produced using the Proportional serif font. The length of this brief is 2,690 words.

Dated this Apr. 13, 2017



Warren Slocum, pro se

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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 (date of mailing) 4-13-17. I further certify that the brief or appendix was correctly addressed and postage was pre-paid.

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