

WISCONSIN COURT OF APPEALS

DISTRICT 2

APPEAL NO.2018AP000484

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OF WISCONSIN

STATE OF WISCONSIN

Plaintiff-Respondent

V.

Tracy McCarthy

Defendant-appellant

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Appeal from a judgment of the Waukesha County Circuit Court

The Honorable Lee Dreyfus Jr. Presiding case no.2016CM000631

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Defendants response to Plaintiff-Respondents Reply Brief

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# INTRODUCTION

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I Wish I Could Believe The State Would not resort to “Tricks” including but not limited too: Constant dilatory practices,

Destruction of evidence , tampering with witness’s , and a host of Brady Violations to secure a conviction ,Unfortunately , this case

demonstrates the length and breadth of what is wrong with absolute immunity , for if the Government can dictate what witness’s and

Evidence can be admitted and turned over, it is an absolute government of Course , and is the very definition of tyranny

The Defendant submitted a Comprehensive discovery demand and the Prosecution did not produce anything the Defense asked for , though it

was in the exclusive possession of the State .witness’s were Coerced by Agents of the State acting under color of law in their individual and

Investigatory capacities , and were provided information only

obtainable by members of the Village of Lannon Police department or their agents . Prosecutors , acting in their Investigative capacity ,

obtained a Video , Did not disclose , until September 6<sup>th</sup> , though they

had exclusive possession from February 8<sup>th</sup> ,apparently allowed the altering , and eventual destruction of said evidence . State used Impeached Testimony in court ,to gain a conviction in the form of Kurt D. Kezeske's Statement of 'Sovereign Citizens" a word appearing nowhere but in Kezeske's Statement . Prosecutors acting in their Investigative capacity , obtained names from the sign up sheet , but never let the defense have a copy , then gave Nathan Jobe a ridiculous story that only could have been concocted by persons with access to the sign up sheet , clearly Misconduct for all involved . By Impeaching Kezeske , then using his statement , Prosecutors have Violated the confrontation clause of both State and Federal Constitutions . Village of Lannon has exhibited an obvious "Guilty Mind" in that they terminated Kezeske soon after the September airing of tv6 now segment "1/3rd of police officers discharged from duty in Wisconsin find jobs in other departments" Misconduct by the Prosecutors is the sole reason for conviction and had the defense been allowed it's witness's and speedy trial there can be no doubt he would have prevailed before the jury.

Had he had the documents required to be provided under the discovery rules , he would have been able to compile a complete defense , and not a mere incomplete one. By destruction of the video , the State could control the narrative ,and put their version forward out of context ,and contrary to fundamental fairness , it is unclear , and cannot be ascertained if it (the video) begins at frame 30 or 300 as only the Phone could show , contrary to State v. Huggert which reads it must be preserved even if in possession of a third party, also see State v. Greenwold .New evidence has been discovered in the form of statements State witness Christopher Kohenke made under oath ,and shows dishonesty ,The State has exhibited a lack of knowledge of the case , by referring in their reply to a probation sentence that was never in effect.

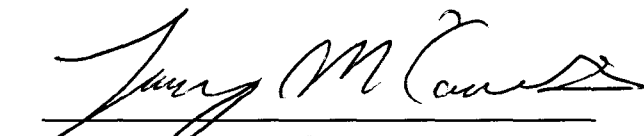
## CONCLUSION

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Defendant having no witness's but Caylin Kison ,who was , I believe , coerced , and gave false testimony , as to Kezeske's location at the time

of this incident , By numerous “Brady” violations , in absence of all properly served witness’s , Defendant was forced to plead guilty , and made his plea only under duress , Defendant tried numerous times to acquire the Discovery due under Brady , to prove his case only to be denied time after time , in violation of both State and Federal Constitutions. He has been denied due process , and Reversal is requested

Respectfully submitted, Tracy McCarthy

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12 21 2018

CERTIFICATE OF *Compliance*

I, Tracy McCarthy,

Defendant-Appellate in the above named action, Certify this brief conforms, to the best of my abilities, with the rules of 809.19 (8) B and C With the Century Schoolbook font, Using Libra Office Writer Word count is 700 words 5000 characters with spaces

Tracy McCarthy

*Tracy McCarthy*  
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*12 21 2013*  
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