

STATE OF WISCONSIN
SUPREME COURT
Case No. 2021AP001224

FILED

JUL 08 2022

ROOSEVELT COOPER, JR.

Appellant.

v.

MILWAUKEE, COUNTY

Respondent

**CLERK OF COURT OF APPEALS
OF WISCONSIN**

PETITION FOR REVIEW

Name: ROOSEVELT COOPER, JR.

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§ 345

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SCR 20:3.4 [1] Fairness to opposing party and counsel

SCR 20:3.8 Special responsibilities of a prosecutor

STANDARD DISCOVERY PROTOCOL FOR COMMERCIAL COURT DOCKET

State Law Cases

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.

State ex rel. Kalal v. Circuit Court for Dane County, 2004 WI 58. . .

United States v. Hennis, 79 M.J. 370 (the Constitution guarantees criminal defendants a meaningful opportunity to present a complete defense). 2018 (October Term)

Abrahamson statement in December 1, 2000 Wisconsin Lawyer December 2000: Going Pro

Se by Ann M. Zimmerman

Secondary Authorities

Black's Law Dictionary 8th Ed.

The American Bar Association (ABA) comment on Wisconsin's Rules of Professional Conduct for

Thoughts of Penn, William (1693), Some Fruits of Solitude, Headley, 1905, p.86

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Wisconsin Chief Justice Shirley Abrahamson statement in December 1, 2000 Wisconsin

Wisconsin Stat Bar 2015 Litigation Tips by Lester A. Pines

PETITION FOR REVIEW

Mr. Roosevelt Cooper, appellant /petitioner hereby petitions the Supreme Court of the State of Wisconsin, pursuant to Wis. Stat. § 808.10 and Wis. Stat. § (Rule) 809.62 to review the decision or order of the Court of Appeals, district 1, in, MILWAUKEE, COUNTY vs. ROOSEVELT COOPER, JR. case no. No. 2021TR007710, filed on, June 28, 2022 Court of Appeals decision or order

ISSUES PRESENTED FOR REVIEW

The issues presented for review are:

- A) Wisconsin Statue § 345.421 must be interpreted fairly and appears contradictory based on rules of the court and Wisconsin Statutes.
- B) As a necessary quality §§ 346.62 (2) and 346.56 (2) are synonymous in that a driver is creating a danger, thus a requisite quality of actual or potential hazards.
- C) Cooper appealed argued that the remedy sought was dismissal with prejudice. Cooper asks that this High Court to reinforce existing rule with punishment for judicial administrator similarly to non-violent civil and criminal violators of such rules. Violation of court rules paid professional legal bodies reinforces a judicial bias and unfairness to the public confidence. Attention must be taken to investigate and punish all legal professional who violated constitutional protections.

The Court of Appeals decided the issues as follows:

Consequently, the Appeals Court did not address any of the issues including the discovery dispute presented to by Cooper. Against, Cooper interest to dismiss with prejudice, stop County from collecting on a fine crated from a improper amended charge while case was in appeal, identify violators of Coopers constructional rights and prosecute them and order entitlement to discovery the Appeals Court ordered the opposite entitlement to another stressful hearing.

BRIEF STATEMENT OF CRITERIA FOR REVIEW

The reasons the Supreme Court should grant review are:

Based on a adverse decision by Court of Appeals' there was a denial of the preferred form of relief sought to correct the application of statues used and violators of constitutional rights were not reprimanded and punished in the interest of the public good and confidence in the judiciary.¹

The Court should grant review because the issue described above presents a question of constitutional law that the Wisconsin Appellate Court have not addressed. Its

¹ §809.62(b)

necessary to provide guidance by the Supreme Court to the lower courts and law enforcement regarding how speeding is lawfully identified and freedom of information/discovery avoidances to bring resolution of these issues.

STATEMENT OF FACTS AND OF THE CASE

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 filed for several video files from Wisconsin DOT public record Division Traffic Management Center for freeway video surveillance for several miles of highway.² After inspecting video, two Freedom of information Act (FOIA) request to County Court and District Attorney Office (DA) was filed by accused on December 22, 2020, that was logged received by the court electronic filing on December 29, 2020 almost a week before any citation was filed with the court. The second on March 30, 2021 both received no response from Court or DA subsequently on May 27, 2021 it was decided by the court, accused was not guilty of the citation in violation of Wis. Stat. § 346.62 (2) "recklessly endangering speed -- endangering safety."³ Cooper argued, arguments the County and Appeals Court state the record confirms, 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.⁴ April 11, 2022 "The County concedes that Cooper was denied his right to trial because he was denied the ability to cross-examine Deputy Scales for both the original citation of reckless driving-endangering safety and the amended citation of unreasonable and imprudent speed..."⁵ and for the judgment to be overturn on appeal so the County can try again in an remittitur⁶ On July 15, 2021 accused filed a notice of appeal based on a December 2, 2020 Citation No. BE100038-1 issued in error. The error was made more injurious by the Circuit Court dismissal of the original citation on the facts, and then impropriety amended it based on witness conjecture. On January 25, 2022 accused filed Motion for relief of court collections and enforce rules on respondent as a remedy to stop harmful injury from a improperly amended charge with a attached financial fine and to enforce rules on respondent specifically repeated violation to a subpoena, court rules and the rule of law. After moving based on §809.14, to have Court of Appeals reconsider to ordering the case dismissed with prejudice. On June 28, 2022 Court of Appeals decision or order was to reverse and cause remanded for further proceedings, recommitting Cooper to the charges again on "Unreasonable and Imprudent speed" charge that does not exist in Wisconsin

² See electronic filing; 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.

³ R:36 1-53 Transcripts pg42 Line 22-24

⁴ See electronic filing; 5-17-22 Court Of Appeals Filings, 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,

⁵ See electronic filing; 4-11-22 ADA Plaintiff-Respondent Motion

⁶ See electronic filing; 4-11-22 Plaintiff-Respondent's Motion For by Subpoena violating ADA Anna M. Meulbrook pg4 and 5, ¶2 and ¶3

statutes nor does the elements needed to proceed.⁷

ARGUMENT

The Appeals Court did not address any of the issues presented by Cooper, but rather address the narratives of the County's position.⁸ As petitioner-seeking relief the focus should be on the full relief sought. In this case ordinary remedies of the Appeals Court are inadequate because an extraordinary hardship is occurring. This traffic violation has been going on for years, waiting time, resources and jeopardizing ones health with undue stress to make imposed deadlines and traveling to court. It is difficult to write developed legal arguments and repeatedly be denied opportunity to give oral arguments. Just as injurious, this process has been more costly than the initial fine by far. The DA Office uses its powers to push its arguments even when they're contradictory.

Wisconsin Statue §345.421 must be interpreted fairly and appears contradictory based on rules of the court. After what appears to be a DA office trick to offer discovery by means not available to Cooper. At trial the DA argued that the statute was clear that, A) they have no obligation to turn over discovery, B) there's no evidence to support that the State, City, or the County prohibited or interfered with the defendant discovery as well; and C) the State and County said they would show at the hearing both the body cam as well as the dash cam.⁹ If statute is clear? It's, also irrelevant after pretrial, since §345.421 states; "Neither party is entitled to pretrial discovery except that if the defendant moves within 10 days after the alleged violation". Parties are clearly entitled to records as citizens and more so at criminal traffic trial were Cooper requested for information/discovery,¹⁰

Cooper argued DA had a moral duty to turn over information/discovery.¹¹ The statute §345.421 if applicable, does not forbid the DA office from finishing discovery or compel a duty that requires the DA office to abstain in the legal right of discovery. If DA Office is duty bound to prohibit discovery I ask by what means, since DA mail notice they were authorization to send discovery?¹²

⁷ 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.

⁸ See electronic filing; May 17, 2022 Court of Appeals Decision

⁹ See electronic filing; R: 36-10 L26 and R: 36-11 L1-8

¹⁰ §19.31 Open Records law. See, electronic filing of all Coppers motions to dismiss arguing discovery imperatives. Also accused motioned for files, first saying; "And can I ask before the record, is it possible for me to get a copy of this (dash CAM video)?"(R:36-49 L18-19) Then moved for discovery again by saying "...is it possible that the DA can get me a copy of the video?"(R36-49 L25 to R36-50 L1-5) The judge shirking his responsibility forced the Court Recorder Kaitlyn Edwards to be responsible. She express that the video was never admitted as an exhibit of evidence on the record and statements that ADA Pierre "was not planning on admitting it into evidence."¹⁰ "A judge must make reasonable efforts, including the provision of appropriate supervision, to ensure that SCR 60.04 (1) (g) is not violated through law clerks or other personnel on the judge's staff."

¹¹ See electronic filing; Appellate Briefs and Response Brief

¹² See electronic filing; On April 22, 2021 correspondence ADA Meulbroek stated she received authorization to send discovery but it was conditioned on obstructive tactic requiring an email something she knew Mr. Cooper did not have to use.

Further §345.421 has an exception for entitlement that is if “defendant moves within 10 days after the alleged violation and shows cause therefore”.

So then the question for this body is what is the “alleged violation” starting date for §345.421 to apply?

Is the starting on December 2, 2020 when citation is issued? Were no case file has been created by DA or the courts, filed and certified electronically by any judicial body all using identification numbers, non made available by law until more than 90 days later on March 8, 2020.

If it's on March 8, 2020 when citation was filed? A request was made more than 90 days in advance.

More importantly Cooper requested files from the DOT just hours, not days from the date the Uniform Citation was issued from the state body who creates Citation form MV4017 on December 3, 2020.¹³

As argued in Coopers briefs, Cooper will not argue the showing of “good cause” because most of Cooper’s filings argue showing of “good cause” and how it absolutely was needed for discovery and appears because of its necessity it is being incorrectly argued by DA to be prohibitive and obstructive.¹⁴ Again Coopers briefs argue there are clear prohibitions against destruction or concealment of evidence, obstructive tactics in discovery procedure, and the like and how Assistant DA’s may have violated rules for attorneys.¹⁵ For example, the violation of the subpoena by DA office is a prohibited act of interference to prevent discovery. ABA comment on Wisconsin’s Rules of Professional Conduct for Attorneys, SCR 20:3.4 [2] Fairness to opposing party and counsel as a duty of attorneys states;

“Documents and other items of evidence are often essential to establish a claim or defense. Subject to evidentiary privileges, the right of an opposing party, including the government, to obtain evidence through discovery or subpoena is an important procedural right. The exercise of that right can be frustrated if relevant material is altered, concealed or destroyed. Applicable law in many jurisdictions makes it an offense to destroy material for purpose of impairing its availability in a pending proceeding or one whose commencement can be foreseen..”

DA office had the video so they seen what Cooper seen in the first week of December 2020 and Judge Richard seen on May 27, 2021, no recklessly endangering speed and no recklessly

¹³ 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.

¹⁴ The American Bar Association (ABA) comment on Wisconsin’s Rules of Professional Conduct for Attorneys, SCR 20:3.4 [1] Fairness to opposing party and counsel

¹⁵ *id*

endangering safety thus by actionable results in this case, there appears another example of a prohibited act of interference to prevent discovery material for purpose of impairing its availability in a pending proceeding commencement can be foreseen on a not guilty order.

Next as a necessary quality §§ 346.62 (2) and 346.56 (2) are synonymous in that a driver is creating a danger, thus is requisites quality of actual or potential hazards. Further examination of the statutes, it shows there is no traffic law entitled "Unreasonable and Imprudent Speed", a charge The County is still trying to raffle. 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.¹⁶ §346.57 is entitled Reasonable and prudent limit a title actually describing the accused driving. In the court judge account he said, "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."¹⁷ Thus Cooper was driving in a reasonable and prudent limit for all of the facts set forth in the record, there was not sufficient evidence of being guilty of a charge that does not exist named "Unreasonable and Imprudent Speed."¹⁸

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.¹⁹ Both 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."²⁰ The accused view the court erred 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."²¹

To conclude, Cooper appealed argued that the remedy sought was dismissal with prejudice. Deprived of access to justice necessity there was a continual violation of Cooper's right to due process, to have a fair hearing and or trial, by jury and the preventing with obstructions

¹⁶ 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.

¹⁷ pg 42 L6-13 pg46 L22-24

¹⁸ See electronic filing; 4-25-22 Response to Plaintiff-Respondent's Motion

¹⁹ Webster New International Dictionary 2nd Edition Unabridged

²⁰ See electronic filing; R:36 1-53 Transcripts pg 42

²¹ See electronic filing; 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.

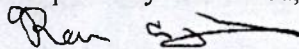
Cooper from inspecting discovery, any and all evidence used during trial to review for inconsistencies and errors.²² It is a dangers message from the courts to the public trust, to support a traffic statue at the sacrifice of the weight of Constructional court protections. The danger is who was harmed in the alleged traffic accusation, compare to the actual harm done to Cooper Constructional court protections during this process?²³ Even just as dangerous is the ADA violation of subpoenas with out consequences. If subpoena do not have to be obeyed then no court empower order has to be obeyed. The lower courts actions reinforce disobedience to the court orders an set a president that restraintment orders, hearing notices, warrants, etc. do not have to be respected and adhere too. Attention must be taken to investigate and punish all who violated Constructional protections. Cooper now asks the most high courts to reinforce existing rules with punishment for legal government bodies, similarly to non-violent civil and criminal violators punishments in the interest of justice, for the public confidence.

CONCLUTION

The continued delay of in justice in this case has become more injurious than direct injustice,²⁴ and has resulted in continual deprivation of Cooper's Constructional protected liberty.²⁵

Date: Friday, July 8, 2022

Respectfully Submitted,



Roosevelt Cooper, Jr., Petitioner

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²² Cooper as of the date of this petition of review, Cooper has not received any files relating to the deputy accusations.

²³ See electronic filing; Accused has sought the Court of Appeals to stop Milwaukee County Clerk of Circuit Court from collecting on a controversy that was in review by The Court of Appeals.

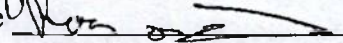
²⁴ Taken from thoughts of Penn, William (1693), Some Fruits of Solitude, Headley, 1905, p.86

²⁵ SCR 20:3.8 Special responsibilities of a prosecutor

CERTIFICATION OF MAILING

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). I further certify that the petition for review or appendix was correctly addressed and postage was pre-paid.

Date: 7-8-22

Signature 



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