

CASE NO. 2024AP000996

**IN THE
WISCONSIN COURT OF APPEALS
DISTRICT 2**

IN THE INTEREST OF EMG

NC -v- RG

ON APPEAL FROM
WAUKESHA COUNTY CIRCUIT COURT
DISTRICT COURT 1

OPENING BRIEF OF APPELLANT

SUBMITTED BY:
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| Lassiter v. Dep't of Soc. Servs., 452 U.S. 18 (1981) | |

<https://www.law.cornell.edu/constitution-conan/amendment-6/prejudice-resulting-from-deficient-representation-under-strickland>.

Statutes

48.415.1

48.415.4

48.415.6

JURISDICTIONAL STATEMENT

Lassiter v. Dep't of Soc. Servs., 452 U.S. 18 (1981). The Court held parents have a due process right to a fundamentally fair procedure that may require the appointment of counsel.

STATEMENT OF ISSUES

Was the Plaintiff's attorney John Paul Marchan negligent for not calling NC's witness to testify

Was the Plaintiff's attorney JPM ineffective for not presenting relevant evidence to the jury of RG's domestic violence police reports?

Did Attorney JPM prove to the jury 3 elements for TPR to the jury?

STATEMENT OF CASE

Fact #1

- William R Kostelec, NC's husband and who EMG knows as her only father, was summoned by US mail to appear as a witness for the plaintiff. Attorney JPM told WRK that they probably wouldn't need him.

Fact #2

• NC gave her Attorney J P M weeks prior to trial, a folder of evidence of police statements where RG uses baby EMG as to shield officers tasers from him.

Fact #3

Did not provide the jury with any of the evidence for abandonment 48.415(1),(4) or (6).

SUMMARY OF ARGUMENT

I believe that the jury's decision would've been in my favor if my court appointed council would have been effective and represented my case better.


ARGUMENT

I am appealing this case 202301172 because my attorney J P M did not submit any of the documents I gave him to support why R G's parental rights should be terminated due to abandonment. My attorney also never gave my witness a chance to take the stand, in fact he told my witness to leave. I would have won my case had my attorney showed the court my evidence or allowed my witness to speak. I had evidence to back up my reasoning such as R G has been out of her life

since 17 months old, she is now 5. He never made it to his weekly supervised visits, or set up my family wizard, and he has made no attempt to be part of her life. I had evidence showing all the domestic abuse he caused in front of E MG and police reports stating he used her as a human body shield to prevent himself from being tased. Had my attorney shown the jury any of my documents I would have won the case.

CONCLUSION

I appreciate the court's time and patience. I am asking the courts to please reconsider my appeal due to my attorney's negligence and not submitting any of my documents as proof or giving my witness a chance to speak. He ultimately made me lose the case. I am asking the courts to please accept my appeal so I can have a fair trial. Thank you so much for your time.


8/15/24

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APPENDIX

Table of Authorities

Caselaw and Statutes

Jurisdictional Statement

Case law explains the procedure for appointed council.

Statement of Issues

Explains the issues of the case how Attorney JPM was ineffective in proving the case to the jury.

Statement of case

Facts about the case

Summary of Argument

Sums up my argument that the jury did not get to see my full case represented to them

Argument

My argument explained and why the case should be reviewed

Conclusion

Explains my gratitude to the court for taking the time to review my case