

A P P E N D I X  
TO  
P E T I T I O N

STATE OF WISCONSIN

CIRCUIT COURT BRANCH V

BROWN COUNTY

STATE OF WISCONSIN

Criminal Complaint and Summons  
Issued by the District Attorney

vs

Plaintiff

John A. Casteel  
4812 39th Street  
Kenosha, WI

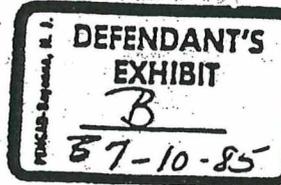
Defendant

DCB: 3-11-55

SEX: Male

File No. \_\_\_\_\_

State of Wisconsin  
County of Brown ss.



Complainant, Sgt. Gerald Larson, being first duly sworn, on oath deposes and says that on or about July 2, 1985, John A. Casteel at the City of Green Bay in said County, the defendant did:

intentionally, by use of a dangerous weapon or any article fashioned in a manner to lead the victim to reasonably to believe that it is a dangerous weapon, take property from the person or presence of the owner by threatening the imminent use of force against the person of the owner with intent thereby to compel the owner to acquiesce in the taking or carrying away of the property, in that the defendant in the previously described manner took money from First Savings while armed with a pistol; for which the court may impose the penalty, as a Class B Felcny, of imprisonment not to exceed 20 years. (ARMED ROBBERY)

COUNT TWO: further that on July 2, 1985 in the City of Green Bay in said County the defendant did intentionally possess a non-narcotic controlled substance classified in Schedule I of the Uniform Controlled Substance Act, to-wit: Tetrahydracannabinol, as classified in Wis. Stat. Sec. 161.14(5) and as defined in Wis. Stat. Sec. 161.01(14); for which the court may impose the penalty of a fine not to exceed \$500 or imprisonment not to exceed 30 years or both. (Contrary to Section 161.41(3), penalty Section 161.41(3); 939.61 (POSSESSION OF TETRAHYDRACANNABINOLS)

Contrary to Section 943.32(2) penalty Section, 943.32(2); 939.50(3)(b) Wis. Stats., and prays that said defendant be dealt with according to law; and that the basis for the complainant's charge of such offense is:

Complainant is a Sergeant with the Green Bay Police Department and knows of the above offense on information and belief based upon:

- 1) Information received from Kathrine A. Waschbisch, which relates that she is an employee at First Savings located at 1482 W. Mason Street, City of Green Bay, Brown County, Wisconsin, and that on July 2, 1985 at about 9:15 a.m., she was working at her window when a male entered. He was described as a white male, dark complected, wearing sun glasses, a white baseball-type hat with no writing on it, wearing a dark green coverall-type outfit and white cotton gloves. This individual came to her window, placed his right hand on the counter where Waschbisch could see the barrel of a gun resting on the counter pointing in her direction. The barrel was black and looked to be about four inches long. Waschbisch stepped back and the individual said something like, "don't be scared." The male then placed his left hand on the counter. In his left hand he had a bright yellow and orange pillow



the master bedroom in the southwest corner of the house on a typewriter table was a five dollar bill bearing serial number E28072258B and a brown leather purse with a passport and papers belonging to John A. Casteel, the defendant. Voight told Sgt. Larson of the Green Bay Police Department that when John Casteel was picked up by the police, he gave her the above five dollar bill and said to take it and get his money out of the black shorts that were in the drawer. In a cloth bag next to the bed was found a pair of white leather gloves. Under the head board of the bed was an Estee Lauder make-up kit. Packaged inside of the makeup kit were four packages of money neatly wrapped in cellophane. The money was \$100's, \$50's and \$20 bills. In a closet on the north end of the kitchen were two pair of cloth gloves.

7) Based upon information received from William Gould, manager of First Savings located at 1482 West Mason Street, Green Bay, Wisconsin, that the serial number of one of the \$5 bills given to a male by Kathrine Waschnisch as bait money was serial number E28072258B.

8) Based upon information received from Lt. Wayne Baetsen of the Green Bay Police Department which relates that on July 6, 1985 pursuant to a search warrant, he searched a 1977 Chrysler Cordova identified by Laura Voight as the vehicle owned by John A. Casteel, the defendant. While searching the glove compartment of the above vehicle, Baetsen found six grams of green plant-like material. Baetsen tested the material using the Duquenois Reagent field test and the test was positive for THC, the active ingredient in marijuana.

Complainant believes Waschnisch, Hamielec, Gould, Voight, and Hinic because they are citizen informants. He believes Steeno and Baetsen because he has relied upon them in the past and always found them to be accurate and trustworthy. He believes the Duquenois Reagent field test because it has been proven accurate and trustworthy by further testing at the Wisconsin Crime Laboratory.

Hereby approved for filing and subscribed and sworn to  
before me at Green Bay, Brown County, Wisconsin this

8th day of July,  
A.D., 1985

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
District Attorney  
Assistant District Attorney

STATE OF WISCONSIN

CIRCUIT COURT

BROWN COUNTY

STATE OF WISCONSIN  
Brown County

vs.

SUMMONS

John A. Casteel

A Complaint, copy of which is attached, having been made before me accusing the defendant of committing the crime of ARMED ROBBERY contrary to Section 943.32(2) , Wisconsin Statutes.

You John A. Casteel are, therefore, summoned to appear before Branch V of the Circuit Court of Brown County at the Safety Building in the City of Green Bay to answer said complaint, on July 8, 1985, at forthwith o'clock in the afternoon, and in case of your failure to appear, a warrant for your arrest may be issued.

Executed at Green Bay, Brown County, Wisconsin, this 8th day of July, A.D., 1985.

\_\_\_\_\_  
(Assistant) District Attorney

*Exhibit 1B*

State of Wisconsin vs. John Casteel

**Judgment of Conviction**

Amended  
Sentence to Wisconsin State Prisons  
Case No. 1985CF001026

FILED  
02-12-2016  
Clerk of Circuit Court  
Brown County, WI

#80584

Date of Birth: 08-11-1955

The defendant was found guilty of the following crime(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
1	[939.62(1)(c) Habitual Criminality] Armed Robbery	943.32(2)	Not Guilty	Felony B	06-19-1985	Jury	02-14-1986
2	Possession of Firearm by Felon	941.29(2)	Not Guilty	Felony E	06-19-1985	Jury	02-14-1986

IT IS ADJUDGED that the defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Agency	Comments
1	03-14-1986	State prison	20 YR	WI State Prison	02/03/16 - Court amends JOC to reflect 0 days sentence credit
1	03-14-1986	Costs			
2	03-14-1986	State prison	2 YR	WI State Prison	
2	03-14-1986	Costs			

Sentence Concurrent With/Consecutive Information:

Ct.	Sentence	Type	Concurrent with/Consecutive To	Comments
1	State prison	Consecutive	with sentence now serving	
2	State prison	Concurrent	Count 1 BUT CONSECUTIVE to previous sentence	

Conditions of Sentence or Probation

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
	60.00						

Pursuant to §973.01(3g) and (3m) Wisconsin Statutes, the court determines the following:

The Defendant is  is not  eligible for the Challenge Incarceration Program.  
The Defendant is  is not  eligible for the Substance Abuse Program.

IT IS ADJUDGED that 0 days sentence credit are due pursuant to §973.155, Wisconsin Statutes

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department.

BY THE COURT:

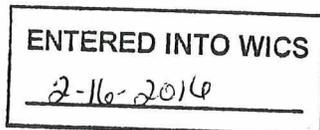
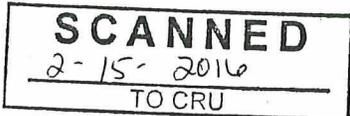
Distribution:

Tammy Jo Hock, Judge  
02/03/16 - D&O JOC to reflect 0 days credit  
DOC

Electronically signed by Alison M. Winiecki  
Circuit Court Judge/Clerk/Deputy Clerk

February 12, 2016

Date



eJOC

State of Wisconsin vs. John A Casteel TC0584

Judgment of Conviction

Amended

Sentence to Wisconsin State Prisons

Case No. 1985CF000780

06-07-2018

Clerk of Circuit Court

Brown County, WI

1985CF000780

Date of Birth: 08-11-1955

List Aliases: AKA Tayr Kilaab al Ghashiyah

The defendant was found guilty of the following crime(s):

Table with columns: Ct., Description, Violation, Plea, Severity, Date(s) Committed, Trial To, Date(s) Convicted. Includes entries for Habitual Criminality, Concealing Identity (Felony), and Armed Robbery.

IT IS ADJUDGED that the defendant is guilty as convicted and sentenced as follows:

Table with columns: Ct., Sent. Date, Sentence, Length, Agency, Comments. Includes sentencing details for State Prison and Costs.

Sentence Concurrent With/Consecutive Information:

Table with columns: Ct., Sentence, Type, Concurrent with/Consecutive To, Comments. Shows concurrent sentencing for State Prison.

Conditions of Sentence or Probation

Obligations: (Total amounts only)

Table with columns: Fine, Court Costs, Attorney Fees, Restitution, Other, Mandatory Victim/Wit. Surcharge, 5% Rest. Surcharge, DNA Anal. Surcharge. Shows a court cost of 60.00.

Pursuant to §973.01(3g) and (3m) Wisconsin Statutes, the court determines the following:

The Defendant is [ ] is not [ ] eligible for the Challenge Incarceration Program.
The Defendant is [ ] is not [ ] eligible for the Substance Abuse Program.

IT IS ADJUDGED that 165 days sentence credit are due pursuant to §973.155, Wisconsin Statutes

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department.

If the defendant is in or is sentenced to state prison and is ordered to pay restitution, IT IS ORDERED that the defendant authorize the department to collect, from the defendant's wages and from other monies held in the defendant's inmate account, an amount or a percentage which the department determines is reasonable for restitution to victims.

If the defendant is placed on probation or released to extended supervision, IT IS ORDERED that the defendant pay supervision fees as determined by the Department of Corrections.

e.JOC

State of Wisconsin vs. John A Casteel #80584

**Judgment of Conviction**

Amended

Sentence to Wisconsin State

Prisons

Case No. 1985CF000780

06-07-2018

Clerk of Circuit Court

Brown County, WI

1985CF000780

Date of Birth: 08-11-1955

**BY THE COURT:**

Electronically signed by John A. Vander Leest

Circuit Court Judge/Clerk/Deputy Clerk

June 7, 2018

Date

**Distribution:**

Tammy Jo Hock, Judge

5/9/18- decision & order to include enhancer

\*

ENTERED IN WICS 6-7-18

SCANNED  
6-7-18  
TO CRU

eJOC

STATE OF WISCONSIN : CIRCUIT COURT : BROWN COUNTY  
BRANCH VI

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STATE OF WISCONSIN, :  
 :  
 Plaintiff, : SENTENCING  
 v. :  
 : CASE NO. 85-CR-780  
 JOHN A. CASTEEL, :  
 : DECEMBER 17, 1985  
 Defendant, :  
 : 80584-A  
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The above-entitled matter coming on to be heard before the HONORABLE N. PATRICK CROOKS, Judge of the above-named court, on the 17th day of December, 1985, in the Safety Building in the City of Green Bay, Brown County, State of Wisconsin, commencing at 4:00 P.M.

A P P E A R A N C E S

MR. PETER NAZE, District Attorney, and MR. ROGER SHAHA, Assistant District Attorney, 125 S. Adams Street, Green Bay, Wisconsin, appeared as counsel for and on behalf of the State of Wisconsin.

MR. JOHN BROWN, Public Defender, 200 N. Jefferson, Green Bay, Wisconsin, appeared as counsel for and on behalf of the defendant.

JOHN A. CASTEEL, the defendant, appeared personally.

CONNIE L. DES JARDINS  
Registered Professional Reporter  
Official Court Reporter

PENGAD CO., BAYONNE, N.J. 07002 FORM 2084

1 marked.

2 THE COURT: State's Exhibit 1 is  
3 then admitted.

4 MR. NAZE: Your Honor, this defendant  
5 is before this Court today for sentencing on two  
6 charges. One armed robbery while having identity  
7 concealed and as a habitual offender, that charge  
8 carrying a maximum penalty of thirty-five years of  
9 imprisonment, and a second count having been convicted  
10 of a felon in possession of a firearm, carrying a  
11 maximum imprisonment of two years.

12 With respect to the defendant's prior record,  
13 it appears from the material set out in the  
14 Pre-Sentence Report and material that my office has  
15 received through the Green Bay Police Department, that  
16 those convictions set out in the Pre-Sentence Report  
17 are accurately set out. That is, the defendant was  
18 convicted in 1975 of a count of burglary and a count  
19 of possession of a controlled substance. In 1976 he  
20 was convicted of carrying a concealed weapon, which  
21 the record furnished by the Green Bay Police  
22 Department indicates was a 38 caliber Derringer  
23 pistol. In 1977 he was convicted of an additional  
24 count of burglary, and in 1981 he was convicted of a  
25 count, which I just furnished the Court a certified

1 the sole purpose of this bank was for him to acquire  
2 funds to support himself in other than a lawful means,

3 This defendant involved another person,  
4 apparently unwittingly, in the offense, in that he hid  
5 the gun, the money and his disguise in the Laura  
6 Voight residence, I know causing her anguish, as the  
7 Court saw on the stand, and having to come to this  
8 Court to testify. I think all of that also indicates  
9 further aggravating factors that this crime was  
10 something that did not occur on the spur of the moment,  
11 it was a crime that was planned out, it had some  
12 thought to it. For instance, the defendant shaved  
13 his mustache off before the crime in attempt to further  
14 disguise himself. He did disguise himself with  
15 make-up, with a hat, with sunglasses, other articles  
16 of clothing,

17 The pre-sentence investigator indicates that  
18 he disagrees with the sentencing guidelines, and of  
19 course that's something this Court has to consider  
20 for the reasons that I've set forth. Also for the  
21 fact that in his opinion, and I think it's obvious to  
22 those of us who sat in this court with Mr. Casteel,  
23 that he has no remorse. He has shown disdain for this  
24 Court and for the criminal justice system. He has a  
25 pattern of criminal involvement, a pattern that goes

1 back over ten years, a pattern of criminal involvement  
2 involving the possession and the use of hand guns, I  
3 think that's clearly set out in this record and in the  
4 pre-sentence investigation. I think for those reasons  
5 also that the sentencing guidelines are insufficient  
6 to meet this defendant's needs in terms of appropriate  
7 sentence. The Pre-Sentence Report also indicates, and  
8 I think it's obvious from Mr. Casteel and his behavior,  
9 that he's not about to change, He's had the  
10 opportunity for rehabilitative services of the state  
11 in the past, He has not made use of them. He had the  
12 opportunity to rehabilitate himself in prison.  
13 Obviously, from the pre-sentence, he did not do that.  
14 There was a lengthy period of time spent in  
15 segregation in the prison which indicates that there  
16 were problems there. As soon as he was out from  
17 prison he had the opportunity to become a productive,  
18 member of society while on parole. He didn't even  
19 go on parole, in effect he absconded the day that he  
20 got out of prison and was supposed to report to his  
21 agent and walked out. He took off from there and  
22 became involved in this activity. While in prison not  
23 only did he not take advantage of the services  
24 offered, but he tried to use his ex-wife in some sort  
25 of scheme to launder money for other prisoners for the

1 purchase of drugs.

2 The pre-sentence investigator, Mr. Flynn,  
3 obviously knows him better than those of us in this  
4 courtroom, and he indicates that at least at the  
5 present time there's little chance for rehabilitation,  
6 that there's a very great need for deterrence, and  
7 there's a very great need for protection of the public  
8 from this individual. Mr. Flynn also indicates that  
9 in his opinion for all other reasons and the reasons  
10 that are outlined in that report, that this defendant  
11 should be sentenced to the maximum term allowed.

12 Prior to my getting this Pre-Sentence  
13 Report I had not sat down specifically, very frankly,  
14 and thought of a sentence to recommend to this Court,  
15 and I only did that after this report came in. And  
16 based on what's in that report, I have to agree with  
17 Mr. Flynn. I don't see any reason other than to  
18 sentence this defendant to the maximum. He has no --  
19 shown no efforts to rehabilitate himself in the past.  
20 Perhaps he can do so in the future, but it seems to  
21 me that that's going to have to be through the prison  
22 system and through a very lengthy term in prison.  
23 And for those reasons I recommend the maximum, as well  
24 as did Mr. Flynn, that is, that he be sentenced to  
25 thirty-five years on Count I and two years on Count II,

1 and that those sentences be made consecutive.

2 THE COURT: Mr. Brown?

3 MR. BROWN: Your Honor, in reading  
4 the criminal complaint from Racine County, Mr. Naze's  
5 made reference to guns, et cetera. I note that in  
6 that criminal complaint it was a burglary and that  
7 was with another -- apparently another co-defendant,  
8 and they while in that dwelling became armed because  
9 they did take weapons. So I'd like to point that out  
10 as the case, where he did not go in armed into a  
11 house and commit a burglary, but became armed therein  
12 because part of the merchandise taken was a gun.

13 I don't believe that we can assume that in  
14 this crime that that gun was loaded. We have no  
15 evidence of that, Your Honor. There's no question the  
16 evidence does show that the young lady who was at the  
17 teller's window did testify of a gun. A gun was  
18 found at a later date by the police. I've talked to  
19 John just briefly since he returned from Winnebago,  
20 and I've seen him twice today. The conversations  
21 were short. He went over the Pre-Sentence Report. I  
22 went back to see him, if he could make any  
23 suggestions or offer anything that he wanted me to say  
24 to the Court. I'd like to point out, Your Honor,  
25 there's no question you've seen my client in court,

1 he does not stand when the Court enters. From the  
2 very beginning that we became involved in this case  
3 and Mr. Casteel requested a waiver of a jury trial, I  
4 became concerned because I felt it was a very unusual  
5 request, one that you very seldom ever get, especially  
6 in a crime such as this where there were facts of  
7 identification that could be brought before a twelve  
8 person jury, and I felt that he should not waive a  
9 jury trial, but that was his decision to make. Since  
10 that time, of course, we've had other matters that I  
11 don't feel it worth while going into here, but he has  
12 also requested a waiver of a jury trial in a case  
13 still pending. This behavior, and I know I did put on  
14 the record, Your Honor, that I felt when we got into  
15 the question of competency to proceed, I felt that he  
16 would meet the criteria of being able to communicate  
17 with counsel, under the District Attorney's role and  
18 the defense counsel's role, the Court's role, but I  
19 felt the following day I then requested that a  
20 professional opinion be obtained, which was done. We  
21 have the report from the Winnebago Mental Health  
22 Center, and he was not -- I believe the only, if you  
23 might call it medication, he was taking vitamins while  
24 at Winnebago, no medication. But he has been a very,  
25 I don't like to use the word strange, but different

1           Waupun is going to set this man off into a mental  
2           capacity where he would then be able to get some  
3           medical treatment, but I think this man needs some  
4           medical treatment. I discussed with him the defense  
5           of mental disease or defect, and that was not pursued.  
6           We did not discuss it any further. But I think there's  
7           something wrong with this man because it's very hard  
8           for me to understand him, how this man could act the  
9           way he has, tie defense counsel's hands, basically,  
10          in trying to defend him.

11                   I'm asking the Court not to invoke the  
12          habitual. I'm asking the Court -- I realize the  
13          Pre-Sentence Report is not good, he has not been -- I  
14          asked Mr. Casteel if he interviewed or saw the agent  
15          at Winnebago, and he said no, he did not. But I  
16          noticed in the report he said that the agent said he  
17          went there to interview him.

18                   What is fair? Thirty-five plus two?  
19          Thirty-seven years? A man who's thirty years old.  
20          He's going to be fifty before he'll see the light of  
21          day. I don't know what the future holds for John  
22          Casteel, but he needs help. I certainly hope the  
23          prison system can give him help because there might  
24          be something mentally with this man, his conduct has  
25          been most bizarre, Your Honor. Now, I don't know

1                   Quoting first of all from the older  
2                   Pre-Sentence Report: "My impressions of the defendant  
3                   is that he is an extremely slick and sophisticated  
4                   individual. He presents himself in a very appropriate  
5                   manner and it is difficult to get a grasp on the  
6                   defendant and his problems as they relate to the  
7                   Court. I do consider him a danger in view of the fact  
8                   that he is a three time felony offender. Two of his  
9                   criminal offenses relate to him being in possession  
10                  of a firearm. He readily admits that he is a violent  
11                  person and has physically abused his wife in the past.  
12                  Combined with his fondness for guns and his temper and  
13                  physical aggression, it appears as though he could be  
14                  a damaging and harmful factor to the community if he  
15                  is not incarcerated."

16                   That's the quote from the Pre-Sentence  
17                   Report in 1981.

18                   Then I would quote further from the Agent  
19                   Flynn's report of December of 1985.

20                   "This agent's personal impression of  
21                   Mr. Casteel based on file material, the present  
22                   offense, and my one interview with him is as follows:  
23                   The defendant, John Albert Casteel, is a habitual  
24                   criminal with many prior felony convictions,  
25                   including the use of weapons. Despite Mr. Casteel's

1           affinity for illegal drugs he has made no effort to  
2           recognize his problem or seek any counselling in this  
3           area. He has no motivation to change, and this is  
4           evident even while he was in the institution. By his  
5           own admission he spent almost a year in segregation  
6           status which indicates that he must have been a  
7           problematic resident. In addition he was sending  
8           letters to his ex-wife demanding that she become  
9           involved in a, quote 'money laundering', unquote,  
10           scheme whereby other inmates would send checks to her  
11           and she would forward the money on to the other  
12           people who were probably going to supply drugs to the  
13           institution. This individual is not about to change  
14           as evidenced by his involvement in the present offense  
15           and his past history. Alternatives to incarceration  
16           are obviously out of the question due to a number of  
17           factors, including the present offense, and the fact,  
18           that he absconded from parole supervision on his first  
19           day out."

20                   The agent then goes on to make a recommenda-  
21           tion, and that's on page 10 of the Pre-Sentence  
22           Report. And the Court wants to read that also into  
23           the record.

24                   "It is this agent's recommendation that  
25           John Albert Casteel receive a maximum term of

1 with the sentencing guidelines in this case.

2 In addition to that, the Court feels that  
3 this is an aggravated situation for a number of  
4 reasons. There is no doubt about the fact that this  
5 was a carefully planned and premeditated crime, the  
6 armed robbery crime. There is no doubt about the fact  
7 that Mr. Casteel was careful in regard to his disguise.  
8 And Mr. Naze noted one of the things that the Court  
9 remembers from the trial, and that was the evidence  
10 about him shaving off his mustache and then quite  
11 obviously taking a number of other steps to conceal  
12 his identity.

13 There's no remorse in this case that this  
14 Court can observe. None whatsoever. Mr. Casteel has  
15 shown throughout the course of this case disdain for  
16 the Court. That's not of great concern to me  
17 personally, but it is of concern to me as a representa-  
18 tive of the judicial system. It's clear to this Court  
19 that Mr. Casteel has no regard for the judicial  
20 system in Wisconsin, and, in fact, he has, from my  
21 observations, demonstrated again and again his disdain  
22 for the adult justice system in Wisconsin. I think  
23 that's demonstrated by his acts within the prison  
24 system that are detailed in the Pre-Sentence Report.  
25 I think it's demonstrated by his acts on the first day

1 or two that he's out of the prison system in his  
2 behavior with the parole agent assigned to him. I  
3 think it's demonstrated by a crime of this nature  
4 committed by an individual who is on parole within a  
5 very short period of time after being released from  
6 the prison system. It's been demonstrated in regard  
7 to his refusal to stand for the opening of court.  
8 It's been demonstrated in regard to his activities  
9 which, in this Court's opinion, have been designed to  
10 show his disdain for the Court. It's been demonstrated  
11 in many ways, including in a companion case speaking  
12 gibberish on the record. All of those things, in this  
13 Court's opinion, have indicated to the Court a disdain  
14 for the judicial system and for the court system  
15 specifically in Wisconsin.

16 The Court is satisfied, taking all of those  
17 items into consideration, that the sentencing guide-  
18 lines are insufficient and inadequate in this  
19 particular case, and I am not going to follow the  
20 sentencing guidelines for the reasons that I've set  
21 forth.

22 The Court does wish to take action in this  
23 case that is just. I do not want to overreact in any  
24 way to the disdain that Mr. Casteel has shown for the  
25 Court and for the court system and the justice system

1 in Wisconsin. I want to approach this in a very even-  
2 handed manner, and I've attempted to do just that.

3 The Court has to agree with Mr. Brown that  
4 the behavior of Mr. Casteel indeed has been bizarre  
5 and unusual, but I am satisfied, based on the recent  
6 mental evaluation of Mr. Casteel, that he is not  
7 mentally ill, that he is very much what was described  
8 in the Pre-Sentence Report, a sophisticated  
9 individual. I'm satisfied that Mr. Casteel is a  
10 manipulator who has done everything possible to  
11 manipulate the court system and to manipulate other  
12 people during his exploits, especially over the last  
13 ten years.

14 Taking all of these matters into  
15 consideration in regard to Count I, the conviction for  
16 armed robbery, the Court is going to take the  
17 following action. I sentence the defendant, John A.  
18 Casteel, to an indeterminate term in the Wisconsin  
19 Prison System not to exceed thirty years. The Court  
20 designates the Dodge Correctional Institution as the  
21 reception center for Mr. Casteel. The Court further  
22 directs that he be given credit for the time that he  
23 has spent in the Brown County Jail and at the  
24 Winnebago Mental Health Institute since the 6th day  
25 of July of 1985, so that he's to be given credit from

1 to point out that, including the perceptions that he  
2 gained prior to the last sentencing, he incorporates  
3 Mr. Casteel's attitude and reaction to it and his  
4 adjustment in the very short period of time as a  
5 result of the last sentence that the Court imposed,  
6 and the fact that Mr. Casteel has continued to be an  
7 adjustment problem in the institution. I believe the  
8 report indicates that he's had to be segregated  
9 because of rules violations and because of potentially  
10 violent behavior towards other inmates even since the  
11 Court's last sentencing of Mr. Casteel. So I think  
12 it's clear that there's virtually no likelihood that  
13 Mr. Casteel will ever be rehabilitated, that the only  
14 appropriate response for the Court in terms of  
15 protecting the community is to put Mr. Casteel away  
16 as long as possible, and I would urge the Court to do  
17 that. I don't believe there is another appropriate  
18 available option. I would urge the Court to sentence  
19 Mr. Casteel to the maximum available sentence, and I  
20 urge that it be consecutive to the time that he's  
21 presently serving.

22 THE COURT: Mr. Brown?

23 MR. BROWN: Your Honor, in immediate  
24 response to Mr. Lasee, I can assure him that my client  
25 has expressed to me a desire that the sentence he

1 does receive here today be concurrent. He does not  
2 want the maximum sentence, I assure the Court and the  
3 District Attorney of that fact.

4 Your Honor, if we look at page ten of the  
5 original Pre-Sentence Report, and I do not know how  
6 much weight the Court gives to the Matrix that has  
7 been established that people are working with now in  
8 the State of Wisconsin, but at that time, and that was  
9 for the sentencing on the first bank robbery, we'd  
10 be talking one hundred thirty-two months or eleven  
11 years. As a result of the sentence on the first case  
12 my client received a sentence of thirty years. I'm  
13 not going to belong on my sentencing argument, Your  
14 Honor. This Court has sat through a trial to the  
15 Court and has sat through a jury trial. Mr. Casteel  
16 is continually -- has continuously attacked the  
17 jurisdiction of this court and will continue, I  
18 believe, to do that. Now, there is no question under  
19 our system of justice, a person has an absolute right  
20 to put the State to its burden of proving that person  
21 guilty beyond a reasonable doubt. There is no  
22 question that in most cases, that at least I handle,  
23 do not go to trial. the majority of them are plea  
24 bargained, negotiated, on either weakness or  
25 strength of defense or prosecution. Courts are never

1 bound by recommendations made by the State or by  
2 defense. But I'd like to point out, Your Honor, from  
3 the start of my representation of Mr. Casteel I did  
4 not start any negotiations because my client did not  
5 want to negotiate, he wanted to go to trial. Well,  
6 I just happen to believe that sometimes it might be  
7 appropriate to see what's on the prosecution's mind  
8 as far as negotiations. I did discuss it with the  
9 District Attorney's office, and after the first case  
10 I was approached and an offer was made to me to  
11 convey to my client. I did so, and Mr. Casteel  
12 stated that he did not wish to even consider the  
13 recommendation that the District Attorney had offered  
14 to me. Again my client knows you're not bound by  
15 any discussions, but I'd like to point out that if  
16 Mr. Casteel had not gone to trial on the first bank  
17 robbery, the negotiations were that if we accepted a  
18 plea, that the recommendation that I would have  
19 joined in, had it been accepted, would be twenty  
20 years. After that trial the negotiations were if he  
21 pleads now to the second bank robbery, the  
22 recommendation would be made for twenty years to run  
23 concurrent with the other twenty years. That would  
24 have meant twenty years, give or take, assuming the  
25 probation or the parole violation could have added

1           time to that.

2                         Now, Mr. Casteel, because he has his desire  
3           to go through a trial, has now exposed himself to  
4           this additional penalty. If we look at page three of  
5           the update on the Pre-Sentence Report, we're looking  
6           at a mandatory release date of 7/3 in the year 2005,  
7           maximum date 7/2 of the year 2015. Your Honor,  
8           there's no question in my mind that I don't care how  
9           liberal any parole board gets, that John Casteel,  
10          because of his criminal record and these crimes  
11          which are considered crimes with a gun and ones of  
12          maximum consideration by parole boards, I just can't  
13          see any parole board considering John Casteel for  
14          early release, that he would do his mandatory release,  
15          and if my calculations are correct, he'll be almost  
16          fifty years of age. Anything on top of that, of  
17          course, Lord only knows what it will be depending  
18          upon what your sentence is.

19                         I think of thirty years of age and then I  
20          think of fifty years of age, and that's twenty years.  
21          That's an awful, awful long time. Your Honor, I  
22          respectfully suggest to this Court that Mr. Casteel be  
23          sentenced to an equal time to run concurrent with the  
24          prior sentence and no additional time be added on.  
25          That's all I have to say, Sir.

1 Mr. Krezminski met with Mr. Casteel this morning and  
2 went over that with him.

3 MR. KREZMINSKI: That's correct,  
4 Your Honor.

5 THE COURT: So you have had a chance  
6 to review it and you've also had a chance to share  
7 its contents with your client?

8 MR. KREZMINSKI: That's correct.

9 THE COURT: The record should also  
10 reflect that Mr. Flynn provided the Court with the  
11 felony guidelines scoring and sentencing information,  
12 and I assume that counsel also received a copy of  
13 that and had that available. Is that correct,  
14 Mr. Lasee?

15 MR. LASEE: That's correct.

16 THE COURT: Mr. Brown?

17 MR. BROWN: I had the information  
18 that I've also quoted from, Your Honor.

19 THE COURT: All right, the Court  
20 specifically asked, after the latest conviction of  
21 Mr. Casteel, that Agent Flynn do an update. I wanted  
22 to be sure that I had information before me which  
23 gave me the situation as current as possible; and  
24 Mr. Flynn did follow the request of the Court and  
25 did provide basically a four page report plus the

1 sentencing guideline information. I think that  
2 portions of that updated report ought to be set forth  
3 on the record at this point, and the Court would  
4 quote from the Pre-Sentence Report and specifically  
5 from the agent's impressions which are set forth at  
6 page four of that report as follows: "Mr. Casteel is  
7 becoming a hardened career criminal who gives  
8 absolutely no indication whatsoever that he has any  
9 remorse for his crimes or that he has any plans to  
10 mend his ways. These opinions are clearly supported  
11 by Mr. Casteel's record which indicated a lengthy  
12 prior record dating back to 1973, which includes  
13 burglaries, armed burglaries, carrying a concealed  
14 weapon, and drug charges. His lack of motivation to  
15 change is also clearly evidenced by his prior  
16 institutional behavior and his lack of adjustment to  
17 institutional programing even now. Reports from the  
18 institutional system indicate that Casteel has been  
19 rated at a maximum level of custody within the  
20 institution because this is his third period of  
21 incarceration and because of his lengthy current  
22 sentence structure. Other areas of concern to the  
23 institution officials are his prior history of  
24 assaultive behavior within the institution and other  
25 significant adjustment problems in the past.

1           Although the assessment and evaluation team within  
2           the institution have identified certain programatic  
3           needs for Mr. Casteel, including education and  
4           counselling for his drug and violence problems,  
5           Mr. Casteel has consistently and repeatedly indicated  
6           that he has no interest in receiving any help with  
7           these problems.   Although Mr. Casteel has only been  
8           back to the institution for a short time, he has  
9           already received a major conduct report for  
10           disrespect and disruptive conduct which resulted in  
11           three days of adjustment segregation."

12                       The agent then goes on to give his  
13           recommendations, and those have already been referred  
14           to by counsel.  He then goes on to state, and again  
15           I'm quoting from page four of the Pre-Sentence:  
16           "It is a further recommendation that at least one,  
17           if not both of the counts, should be ordered to run  
18           consecutive to his prior sentence for bank robbery  
19           and or his parole revocation hearing.  Mr. Casteel  
20           needs to receive a clear message from the courts and  
21           the community that he has to 'pay for his crimes' and  
22           that the penalty for committing two armed robberies  
23           is going to be substantially more than the penalty  
24           for just one.  It is hoped that this type of  
25           sentencing structure would serve to deter Mr. Casteel

1 from future criminal involvement and also that it  
2 would protect the community from further criminal  
3 exploitation by this defendant."

4 The Court has reviewed not only the most  
5 recent Pre-Sentence Report, but I have today reviewed  
6 the earlier Pre-Sentence Report and also the report  
7 from the Winnebago Mental Health Institute which is  
8 dated December 3 of 1985 and which is attached to  
9 the earlier report.

10 The Court understands that John A. Casteel  
11 is thirty years of age, that his date of birth is  
12 August 11 of 1955. The Court has again reviewed his  
13 prior record, it's set forth at page three of the  
14 Pre-Sentence Report, the earlier Pre-Sentence Report.  
15 The Court understands that Mr. Casteel is divorced,  
16 that he has one child dependent upon him, and the  
17 Court also has reviewed his prior employment record.  
18 That information is set forth in detail in the  
19 Pre-Sentence Report, specifically at page 6.

20 The Court has considered the purposes of  
21 the criminal justice system and specifically has  
22 considered the need to take action that hopefully is  
23 going to result in the rehabilitation of John Casteel.  
24 I've considered the need to deter Mr. Casteel and  
25 others like him from acts such as this.

1 at that time were denied. I note that it appeared  
2 that these are copies of the same motions, I think  
3 they've got the same -- in fact list both case  
4 numbers, and I believe the matter was fully argued at  
5 that time, and I would ask that the Court deny the  
6 motions at this time. I don't wish to supplement any  
7 additional argument at this time.

8 THE COURT: All right, the Motion  
9 to Dismiss for Lack of Jurisdiction basically  
10 indicates that Mr. Casteel is bringing the matter  
11 based on the Wisconsin Constitution based on statutes  
12 that he cites, and then attached to that is a  
13 document entitled "Official Document 228", and  
14 apparently is an affidavit where he's talking in terms  
15 of illegal search and seizure and confiscation and  
16 again citing to the Federal Constitution and several  
17 federal statutes. Apparently that document is to be  
18 considered in conjunction with his Motion to Dismiss  
19 for Lack of Jurisdiction. There's then a Motion to  
20 Stay Proceedings, and both of these motions certainly  
21 seem to be intertwined one with the other.

22 As far as the jurisdiction issue, this Court  
23 has addressed, I think, several times the question of  
24 whether or not the Court has jurisdiction over John A.  
25 Casteel, and I'm satisfied that the Court does. The

IN THE UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
BROWN COUNTY

STATE OF WISCONSIN\*  
COUNTY OF BROWN \*  
\* SS.  
\*

AFFIDAVIT OF LAURA J. VOIGHT  
RE: SEARCH, SEIZURE AND  
STATEMENT OF WITNESS.

Laura J. Voight being duly sworn to oath do herein depose and state, that;

1. On July 6, 1985, I was at my home located at 930 - Rockwell Rd. in the Village of Howard, Wisconsin. At my home, with me were my daughter Heather and a friend, John Casteel. At or about 2:45 p.m. I noticed a car pull up and two (2) men got out and came to my door. I went to the door and they identified themselves as a Sgt. Larson and Sgt. Taylor of the Green Bay Police Department and informed me they wanted to talk with John Casteel. I informed them that he was inside the house.

2. I think, I invited the officers at the front door in and turned around to get John and discovered two (2) other men already standing in my kitchen. I was surprised to find these two (2) men, whom I later found out to be a Mr. Gajeski and Balthozar, had entered through the back door without consent. I requested all the Officers to remain in in the Dinning Room and I went to get John who was in the Bedroom. I returned to find the said Officers had not stayed where I requested them to stay. John came out and Sgt. Larson told him they were there to pick him up on a Parole hold.

3. John then turned to the Bedroom door were, I was standing within the Bedroom and handed me a slip of paper and told me to get some money out of his black-shorts in the drawers. I then went to the drawer and got the money out of the shorts and returned to hand John the money he requested, He gave me his Necklace, a Ring and an Earring, to hold for him. Then he told the Officers, "Let's go". The Officers handcuffed him and took him outside. I followed them into the front yard and heard Sgt. Larson tell a Sgt. Taylor to get some photographs of the car in the garage. I asked Sgt. Larson what was going on and who had given him permission to order his men to enter my Garage. Sgt. Larson stated that: "He had an on-going investigation". Sgt. Larson and Sgt. Gajeski then put John into their car and then Sgt. Larson requested that I come down to the Police Station to answer some questions. I told him I would follow in my own car.

RE: SEARCH, SEIZURE AND TESTIMONY OF WITNESS (Continued)..

4. I went into the house to get my car keys and purse, Sgt. Taylor walked into the house and told me he wanted to Search the Bedroom and closet that John was in and he claim that he had the right to Search at this time.

5. At the Police Station, Sgt. Larson and Sgt. Gajeski showed me a number of photographs of what they say was a Bank Robbery and asked me a lot of questions about the photographs and John Casteel. I infomed them that I did not know the person in the photographs and that I did not think or believe the person in the photographs was John Casteel, nor did it look anything like him.

6. Then Sgt. Larson requested if he could take a statement from me. He and Sgt Gajeski questioned me about John Casteel's arrival at my house, his stay and other things about the photo, at which time Sgt. Larson was writting on a Statement Form, then he asked me to sign the Form dated July 6, 1985. that I should believe the statement to be true based upon the questions Sgt. Larson and Sgt. Gajeski had asked me about John Casteel.

7. Also, Sgt. Gajeski then asked me to sign a Consent Form to have my house searched. I looked at Sgt. Larson and asked him "what would happen, if I refuse to sign the consent form" Sgt. Gajeski then claimed that the District Attorney was sitting in the next room and that if I didn't sign the form, the District Attorney would sign a Warrant and that they wouldn't make any promises that my house would be destroyed in the search by Officer's searching. Sgt. Larson said that I wasn't in any trouble and he wrote out the Consent Form and said if I signed it my house wouldn't be destroyed and that I could be present during the search. So I signed under Necessity and Duress.

8. Officers Larson, Gajeski and Steeno came out to my house to search, They confiscated a Hat and a pair of Safety Glasses from my China Cabinet. I requested the Safety Glasses not to be taken as I needed them for school. Sgt. Larson said they were evidence. I did not see how they was, cause the man in the photo wear sun glasses, He said that when I signed the consent form, I gave them the right to take whatever they wanted from my house. I was not told that I could have the search stop at my request.

9. The Consent Form boldly states that: I have been inform of my Constitution Right not to have a search made of my premises; and This permission is being given to the above-named Officers voluntarily and without threats or promises of any kind. (I learned this information later on). I was not informed of my Constitutional Right not to have a search done of my home, the Officers did not read any parts of the Consent Form to me or was I given an opportunity to read the Consent Form. I was told by Sgt. Larson to, "Sign it" period. I was threatened by Sgt. Gajeski that D.A. was in the next room and he would issue a Warrant and my house would be destroy in their search. And, Sgt. Larson promi sed that if I sign the Form that my house would not be destroyed and I could be present.

RE: SEARCH, SEIZURE AND STATEMENT OF WITNESS (Continued)..

... Yet, Sgt. Larson refused to discontinue the search upon my request not to take my property, I did not feel that the safety glasses was any thing like the pair of sun glasses showed to me at the Station. But they refused, Officers found a Toy gun in my daughter's Bedroom and I again requested them not to take that property then Sgt. Gajeski suggested, " A gun was used to rob the Bank" and I informed him that the Toy gun did not look anything like the gun in the photographs shown to me at the Police Station. But he claimed that it was evidence.

10. The Officers asked to see John's property. I informed them what was John's property, but I would not give them permission to search his property, nor did I tell them to take anything that belonged to John. In fact, I believe that I told them not to touch anything that belonged to him, but the Officers took his papers, personal letters, shoes and other property, anyway.

11. I was made to return to the Police Station with the Officers after the search of my house. Upon our arrival, Lt. Basten stated that, "We have our Bank Robber " and that they had search John Casteel's car. It was now 7:45 p.m. and they question again about John's arrival, his daily activity and whatever. Then I requested to speak with John, Lt. Basten said it would be alright for me to talk with John that he would be taping our conversation. I did speak with John and was held at the Police Station about a total of six (6) hours before I was permitted to go home.

12. On or about July 9, 1985, I was requested to meet the District Attorney at his office. I went to his office and met D.A. Peter Haze, who questioned me and informed me what to say at the Preliminary Hearing to be held the next day, July 10, 1985. Lt. Basten was present at this meeting with the D.A. and he told me to forget about the Tape-Recorded talk I had with John Casteel, in that room, on July 6, 1985. and the next day I did testify at the Preliminary Hearing of John Casteel and I gave the information that Officers Larson, Gajeski and Basten told me to say. I was to frightened not to.

13. On July 7, 1985. Sgt. Larson had returned to my house and he requested that I sign another statement concerning the search of my home, and as he telling me that, he was writting it on a sheet of paper and he told me to say that John Casteel handed me a Five-dollar (\$5.00) Bill while the Police were there to arrest him. I did not write out the July 7, 1985, Statement nor were the words used, my own. I did sign it under Duress and Necessity for fear of my person, property and child. Whatever they told me to do, I was afraid not to do.

Exhibit ~~5~~ G

(3)

RE: SEARCH, SEIZURE AND STATEMENT OF WITNESS (Conti 3).

14. On the evening of July 7, 1985, a Lt. Zasada came to my house, at which time he explained in detail the Bank, Time, Date and how many people was involved, and that one of the men was wearing a wig, long coat and their get-away-route. The Lt. then requested that I come down and take a Lie Detector Test, he claimed that I could and would be charge with aiding and abetting, knowing after the fact, and party to a crime if I did not take the Test. I stated that I would take the Test to prove once and for all, that I had no prior knowledge of any robberys, and all the information I did know about was relayed to me by the Officers of the Green Bay Police and Brown County Sheriff Department Detectives whom talked to me. My sister was present <sup>when</sup> Lt. Zasada was at my house, my sister Barbara asked the Lt. if I needed a lawyer. He stated No, that I was not in any trouble as long as I continued to cooperate with his Department (Brown County Sheriff) .

15. On July 8, 1985, I was gathering the things that belonged to John Casteel, from the bottom drawer draw and found a towel that felt very heavy when I touched it, so I left it there and called Sgt. Larson of the Green Bay Police Department. He came out to the house and picked up the towel which contained a gun. I did not see this towel in the drawer the day that the Police search, and they had gone thru' that same draw on July 6, 1985.

16. On July 11, 1985 , I called and met with D.A. Peter Naze. I informed Mr. Naze that I did not tell the truth at the Preliminary Hearing, that Officers Larson and Easten had told me to say things that wasn't the truth. Sgt. Larson said to say that the Five-dollars (\$5.00) bill was found in the search and that John Casteel had handed it to me when he was arrested. That Sgt. Larson had me sign a statement that wasn't true and I did not want to be charged with perjury or any thing else. Mr. Naze said, "You don't have to worry, I'll see that at the trial you tell only what you know to be the truth and all you have to say is: this <sup>is</sup> how I knew it then, and this is how I know it now" I then asked Mr. Naze if he could set up a Special Visit at the County Jail so I could tell John Casteel the truth about the Preliminary Hearing and the gun being found in my Home. Mr. Naze was able to set up the Visit at the County Jail and I spoke with John. I told John Casteel the truth and he told me to tell his Attorney, Allen Krezminski all that I had discussed with him.

17. I called and met with Attorney Krezminski at the Public Defender Office and relayed all the facts as I knew them. He took notes of my conversation with him. Mr. Krezminski felt that it would be necessary to have an Attorney to advise me, because I could be charged with perjury. So, he called an Attorney and set up a meeting, for me to see him and have represent me. I went to that Attorney and I relayed all the facts that I knew on this matter, He said he would talk to the D. A. before I testified again.

RE: SEARCH, SEIZURE AND STATEMENT OF WITNESS (Continued)

18. On October 29, 1985, I was in Mr. Naze office speaking about my testimonial at the Motions Hearing on October 28, 1985. and the up-coming Trial to begin on the 30th day of October, I express my fears to Mr. Naze about my taking the stand and being charged with perjury, Mr. Naze called my Attorney Mark Converse and told him on the phone that I would not be charge with anything, no matter how I would testified, Because He (Naze) felt I had done nothing wrong, and that if anything I was a victim in this situation. Mr. Naze handed me the phone to speak with my Attorney. Mr. Converse told me on the phone "everything was alright, that I did not need to worry, cause he receieved Mr. Naze word that I would not be charged with anything. I testified to at the hearing or Trial.

19. I testified at the Motion Hearing on October 28, 1985 and at the Trial of John Casteel on the days of 30th and 31st of October, 1985. I testified that I was not afforded my Constitutional Right not to have my Home searched, that I did not have the opportunity to read my rights, nor did anyone read them to me. That the Officers threatened me and told me what to say and what to sign, and that I was never told that I could leave the Police Station of my own free will, that I was held there until after or about 9:30 p.m.

20. That as a result of my experience, research, I will say that my ignorance and fears has come to an end and I have regained my capacity to be a Free Person as an America and now know that I have Constitutional Rights that protect me, as a Citizen, from what was pushed upon me before. Therefore, it is now necessary that I declare the Legal Wrongs, Deceit, Duress, Fraud, Mental Injury and the Incapacity perpetrated upon me by parties (Police) working under the color and guise of Law.

21. This Affidavit is True and Correct.

SUBSCRIBED & SWORN TO BEFORE ME  
this 30 day of June, 1986  
after due deposition thereto.

Sharon S. Samuel  
Notary Public

My Commission Expires 8-6-89.

AFFIANT BY:

Laura J. Voight  
Laura J. Voight - Relator  
930 - Rockwell RD.  
Village of Howard  
Green Bay, Wisconsin

STATE OF WISCONSIN : CIRCUIT COURT BROWN COUNTY  
BRANCH VI

STATE OF WISCONSIN, : JUN 12 1986  
Plaintiff, : MOTIONS/SENTENCING HEARING  
v. : MARCH 14, 1986  
JOHN A. CASTEEL, 80584-A : CASE NO. 85-CR-1026  
Defendant, :

The above-entitled matter coming on to be heard before the HONORABLE N. PATRICK CROOKS, Judge of the above-named court, on the 14th day of March, 1986, commencing at 11:42 A.M., in the Safety Building in the City of Green Bay, Brown County, Wisconsin.

A P P E A R A N C E S

MR. LAWRENCE LASEE and MR. ROGER SHAHA, Assistant District Attorneys for the County of Brown, appearing for and on behalf of the State of Wisconsin.

MR. JOHN BROWN and MR. ALLAN KREZMINSKI, Attorneys of the Brown County Public Defender's Office, appearing for and on behalf of the Defendant, John A. Casteel.

MR. JOHN A. CASTEEL, the Defendant, appearing in person.

MR. JOSEPH NICKS, Attorney at Law, 2050 Riverside Drive, Green Bay, Wisconsin, appearing for First Interstate Bank of Wisconsin.

MR. RICHARD GOULD, Attorney at Law, 130 E. Walnut, Green Bay, Wisconsin, appearing for First Financial Savings & Loan.

CONNIE L. DES JARDINS  
Official Court Reporter

PROPERTY OF  
WISCONSIN PRISON SYSTEM

PENGAD CO., BAYONNE, N.J. 07002 FORM 2094

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-1-

1 request that's been filed by Mr. Nicks that these  
2 funds be turned over to the appropriate financial  
3 institutions.

4 THE COURT: Mr. Brown, what is your  
5 position on behalf of your client concerning his  
6 motion to recover money and the motion of First  
7 Interstate Bank for an order of the Court in regard to  
8 the cash being held and in regard to the 1977 Chrysler  
9 Cordova?

10 MR. BROWN: Well, Your Honor, number  
11 one, we're looking at this as a forfeiture action.  
12 I don't think the motion is timely filed. No notice  
13 given that this was going to be heard today.

14 THE DEFENDANT: Your Honor, let the  
15 record show that the defendant petitioned the Court  
16 several times for the return of his money on motions  
17 heard by this Court. The District Attorney has not  
18 met that time limit on forfeiture. It's almost three  
19 or four months after forfeiture hearing since  
20 January, and the defendant still says that the money  
21 is his that they found which was thirty-five hundred  
22 dollars taken out of the make-up kit and one hundred  
23 ninety-nine dollars and fifty-eight cents taken from  
24 his person at the Green Bay Police Department and  
25 two hundred dollars for the cowboy boots that the

1           Brown County Jail had seized my property and had not  
2           returned that within their own time limits, so the  
3           defendant would request that the Court return what  
4           the client is requesting and recognize that the  
5           District Attorney or the banks' attorneys have not  
6           even met their time limit on forfeiture of those  
7           things that they request and that all things requested  
8           be returned to the defendant at this time.

9                           THE COURT: Mr. Lasee?

10                          MR. LASEE: Your Honor, what is  
11           being sought is not forfeiture of any funds, that is  
12           not the statutory provision under which the motion  
13           is brought. I believe the motion is brought under  
14           Section, I think it's, 968.20 which allows for the  
15           return of seized property. Specifically the State's  
16           position is that the property that we're talking  
17           about was seized pursuant to criminal investigation,  
18           that it's been held as evidence up until this point  
19           in a criminal action and that the motion brought on  
20           behalf of the financial institutions is as authorized  
21           by statute for the return of property seized. And no  
22           one is seeking a forfeiture of anything at this time,  
23           simply that seized property be returned pursuant to  
24           statute.

25                          MR. NICKS: Your Honor, may I speak

1 also, but apparently that did not take place.

2 MR. BROWN: I got the papers just as  
3 I arrived in your courtroom, Your Honor.

4 THE COURT: Would you feel that a  
5 short recess might be helpful in addressing these  
6 issues from your point of view? I know that  
7 Mr. Casteel is not anxious to return to Brown County  
8 in the future, and certainly the Court's not anxious  
9 to have to order the officers to again bring him from  
10 the prison. So if we could address this issue today,  
11 certainly the Court would appreciate it.

12 (Whereupon discussion was held off  
13 the record between Mr. Brown and the defendant.)

14 MR. BROWN: Can we go in the jury  
15 room for a minute, Your Honor?

16 THE COURT: Certainly.

17 (Whereupon recess was held from  
18 12:10 to 12:21 P.M.)

19 THE COURT: All right, we're again  
20 on the record in this matter, the appearances are the  
21 same as noted earlier. And Mr. Brown, what is the  
22 situation from your client's point of view concerning  
23 the bank's motion?

24 MR. BROWN: Your Honor, number one,  
25 I again raise the issue of timely notice of the

1 motion and service upon the attorneys for Mr. Casteel.  
2 And just briefly, looking at 968.20, the statute that  
3 Mr. Nicks and the bank -- other bank, Mr. Robert  
4 Schultz (sic) are referring to, in looking over  
5 Section 973.075, Your Honor, which is the forfeiture  
6 statute, which specifically states certain properties  
7 seized, the proper procedure to go about that; and  
8 apparently in reading that statute there would be a  
9 limitation as to -- or time limit as to when that  
10 action can commence, and that's thirty days from the  
11 date the property's seized or thirty days from the  
12 time of conviction, whichever occurs earlier, that  
13 that action must be commenced by the service of the  
14 summons and complaint. And at this time I raise a  
15 serious question of whether that -- they're trying to  
16 circumvent 973.075 by going with 968.20. I further  
17 would state that, according to my recollection of the  
18 testimony, there may be another party at interest  
19 here, that would be the fact that I believe the car  
20 was registered in the name of Debbie Schwebler -- or  
21 Vicki Schwebler, and perhaps proper notice should be  
22 served upon her as the owner of the vehicle. I  
23 raise those questions, Your Honor. I don't believe  
24 that the banks have any standing in this matter at  
25 this time, assuming we go under 973.705 (sic). I

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1 think we're going about this the wrong way, and  
2 perhaps even they are estopped from proceeding  
3 because of the time limits as set forth in the  
4 forfeiture section of the Wisconsin Statutes.

5 THE COURT: Mr. Nicks, what about  
6 the situation in regard to Vicki Schwebler, has any  
7 notice been given to her or to her sister Debra  
8 Schwebler in regard to the motion concerning the  
9 vehicle specifically?

10 MR. NICKS: No, it has not, Your  
11 Honor. And I made some inquiries this morning from  
12 the District Attorney's office, both Mr. Lasee and  
13 Mr. Naze, and it's my understanding that they have in  
14 the past attempted to locate her, and the indication  
15 I get is that she would possibly be very difficult to  
16 locate in order to give proper notice. It is my  
17 position in this matter that under the facts, as I  
18 understand them, that it really should not be  
19 necessary to provide the notice. The facts, as I've  
20 been informed, are that Mr. Casteel and Debbie  
21 Schwebler were actually involved in the purchase of  
22 the automobile and that Vicki Schwebler did not put  
23 any cash toward the purchase of the automobile, did  
24 not participate in this purchase, and it really had  
25 the name placed on the title by John Casteel and

1 that results to him by virtue of the fact that he  
2 didn't have more notice or that he didn't realize this  
3 was coming or whatever; but quite honestly, I don't  
4 believe that he could fairly claim that he didn't  
5 anticipate that at some point in time the bank would  
6 say, "Well, geez, you got twenty-one hundred dollars  
7 that we just went through a jury trial and proved was  
8 our property." I believe it would be incumbent upon  
9 the defendant to demonstrate some prejudice or for  
10 some reason that the notice was not adequate to  
11 protect his interests, and I don't believe there's  
12 been any showing of that. I think that the efforts  
13 that are being made by the defendant now are  
14 dilatory, and I think that there should be some  
15 showing as to why the notice, even as slight as it is,  
16 is inadequate, because the statute simply says that  
17 adequate notice is deemed adequate by the Court.

18 THE COURT: Mr. Brown, how is your  
19 client prejudiced today by the situation that exists?

20 (Whereupon discussion was held off  
21 the record between Mr. Brown and the defendant.)

22 MR. BROWN: Well, Your Honor, I  
23 don't think it's a question now of prejudice, I think  
24 it's a question of proper procedure that was -- should  
25 have been followed. But the issue is is this a

1 hear all claims to its true ownership."

2 If this Court were to follow what you're  
3 requesting on behalf of your client, would I then  
4 expect that your client would be presenting evidence  
5 that the property involved here is truly his  
6 property rather than the property of the two  
7 financial institutions involved?

8 MR. BROWN: I think our position,  
9 Your Honor, is that they are proceeding under 968.20  
10 when they should have been proceeding under Section  
11 973.075, the forfeiture action.

12 THE COURT: All right, Mr. Lasee,  
13 anything further?

14 MR. LASEE: Well, I guess our  
15 position would be that 968.20 more specifically  
16 applies to this situation than the forfeiture action.  
17 I believe Mr. Nicks has indicated that in his  
18 arguments, and I have nothing additional to indicate  
19 to the Court.

20 THE COURT: Mr. Nicks, anything  
21 further?

22 MR. NICKS: Nothing further, Your  
23 Honor.

24 THE COURT: The Court is satisfied  
25 that the motion of the bank on behalf of itself and

1 First Financial is brought under Section 968.20 of  
2 the Wisconsin Statutes. The Court does not feel that  
3 we're dealing here with a forfeiture under Section  
4 973.075 of the Wisconsin Statutes. While that section  
5 of the statutes covers a wide range of circumstances,  
6 under the circumstances that we're dealing with here  
7 I really think that Section 968.20 is applicable.  
8 I'm just thinking about the very normal and usual  
9 forfeiture situation where, for instance, the State  
10 brings a separate action asking that a vehicle that  
11 might have been involved with drug sales be forfeited.  
12 That's an action that would be brought under Section  
13 973.075 of the Wisconsin Statutes.

14 Here we have the two financial institutions  
15 involved, both claiming that they have a right to  
16 possession of the property, the property that they  
17 allege, and Mr. Casteel's now been convicted in both  
18 cases, was taken from the financial institutions  
19 involved, that being First Financial and First  
20 Interstate. I'd specifically ask whether or not  
21 Mr. Casteel wishes in some way to present evidence  
22 that the money involved in this particular situation  
23 was money that was his in some way other than having  
24 been obtained through the armed robberies of the two  
25 financial institutions. And what I'm told is that the



U.S. Department of Justice  
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 21, 1999

Jon E. Litscher  
Secretary  
Wisconsin Department of Corrections  
149 East Wilson Street  
P.O. Box 7925  
Madison, WI 53707-7925

Dear Mr. Litscher:

I am pleased to inform you that I have approved a supplemental grant award to the Wisconsin Department of Corrections under the FY 1999 Violent Offender Incarceration/Truth-in-Sentencing Incentive Grant Program (VOI/TIS). The amount of this supplemental award is \$3,542,694, based on your state's documentation of yearly increases in Part I violent offenders arrested, sentenced to prison, and/or serving longer periods of confinement. Your state has also met program requirements that persons convicted of a Part I violent crime serve not less than 85 percent of the sentence imposed. As with the FY 1997 and FY 1998 VOI/TIS awards, this grant is designated as a supplement to the FY 1996 base allocation.

To date, your state has received \$12,476,558 (including this award) through the VOI/TIS program. Beginning with FY 1999 awards, you may use up to 10 percent of your VOI/TIS award (excluding prior year funds) for implementation of the comprehensive program of drug testing and interventions that was submitted to, and approved by, the Office of Justice Programs as of September 1, 1998.

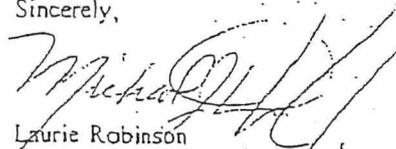
The original and one copy of the grant award are enclosed. If you accept this award, sign both the award document and the special conditions and return the copy to the Office of the Comptroller, Financial Management Division, Attention: Control Desk, 810 Seventh Street, N.W., Room 5303, Washington, DC 20531. Please retain the original for your file.

In accepting this supplemental award, you are reminded that all the administrative and financial responsibilities agreed upon in the FY 1996 grant and subsequent supplements remain in effect.

If you have any questions pertaining to this award, please contact Thomas Mason, the Grant Manager for your state, at (800) 848-6325, extension 305-2692. For financial questions, please contact the Office of the Comptroller's Customer Service Center at (800) 458-0786.

Congratulations. We look forward to working with you to accomplish the goals of this program.

Sincerely,

  
Laurie Robinson  
Assistant Attorney General

Attachments



IN COUNTY COURT FOR KENOSHA JNTY BRANCH NO. II File 10,994

STATE OF WISCONSIN, Plaintiff,

--vs.--

JOHN A. CASTEEL

Defendant.

CRIMINAL COMPLAINT AND WARRANT: F-38 I-75-7307-7310

CHARGE: POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO SELL, Section 161.41(1m)(b), Wis. Stats.

On reading and filing said complaint and it appearing that such offense has been committed, I thereupon issued a warrant for the arrest of said defendant and delivered the same to Robert Loewen, Police Officer of the (County-City) of Kenosha for execution.

Robert Loewen (Deputy Sheriff-Police Officer), of the (County-City) of Kenosha returns said ~~warrant~~ ~~by whose return endorsed thereon it appears that by~~ ~~virtue of said warrant at the City and County of Kenosha on the~~ 24th day of September, 1975, he arrested said defendant and has him in court custody. Complainant notified V. J. Lucareli, presiding October 10, 1975 case called in my office. Defendant in court in custody. Charge as stated in warrant and complaint read to defendant.

Defendant is advised of his constitutional rights to be represented by an attorney at county expense if he is found to be indigent. Defendant is further advised of his right to a preliminary examination. Marilyn Lemke, Deputy Clerk, appearing. Marla Schmickel, Court Reporter and Deputy Clerk, appearing. The State of Wisconsin represented by Jerold Brietenbach, Assistant District Attorney. Defendant appearing in Court in person and in custody without counsel. Complaint was signed at a previous hearing. Defendant has copy of Complaint. Defendant stated he has retained Attorney John J. Crosetto as his counsel. Defendant requested a preliminary hearing. Said hearing was scheduled by the Court for October 15, 1975 at 3:30 P. M. before County Judge, Branch II. Bond was set by the Court at One Thousand (\$1,000.00) Dollars. In default of bond defendant remanded to custody of Sheriff.

October 13, 1975. Minutes filed.

October 13, 1975. Nine Fifty Five o'clock A. M. Court opens. Honorable Michael S. Fisher, County Judge, Branch II, presiding. Edwin R. Burman, Court Reporter and Deputy Clerk, appearing. The State of Wisconsin represented by Jerold Breitenbach, Assistant District Attorney. Defendant appearing in Court in person with Attorney John J. Crosetto. Bond amended to One Thousand (\$1,000.00) Dollars signature bond with 10% cash provision permitted. Preliminary adjourned by stipulation and ten-day requirement for preliminary waived.

October 13, 1975. Stipulation and Order for Adjournment filed.

October 15, 1975. Signature bond with 10% cash provision permitted filed.

October 22, 1975. Assignment on bond filed.

October 22, 1975. Minutes filed.

October 22, 1975. Two Fifteen o'clock P. M. Court opens. Honorable Michael S. Fisher, County Judge, Branch II, presiding. Marla Schmickel, Court Reporter and Deputy Clerk, appearing. The State of Wisconsin represented by Jerold Breitenbach, Assistant District Attorney, appearing. Defendant appearing in Court in person and represented by Attorney John Crosetto. Case dismissed with prejudice.

Dated at Kenosha, Wisconsin this 22nd day of October A. D. 1975.

MICHAEL S. FISHER, COUNTY JUDGE, BRANCH II



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

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**DISTRICT III**

November 17, 2020

To:

Hon. Tammy Jo Hock  
Circuit Court Judge  
Brown County Courthouse  
P.O. Box 23600  
Green Bay, WI 54305-3600

John VanderLeest  
Clerk of Circuit Court  
Brown County Courthouse  
P.O. Box 23600  
Green Bay, WI 54305-3600

David L. Lasee  
District Attorney  
P.O. Box 23600  
Green Bay, WI 54305-3600

John A. Casteel 80584  
Waupun Correctional Inst.  
P.O. Box 351  
Waupun, WI 53963-0351

Criminal Appeals Unit  
Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857

You are hereby notified that the Court has entered the following opinion and order:

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2020AP1515-CR	State of Wisconsin v. John A. Casteel, a/k/a Tayr Kilaab al Ghashiyah (Kahn) (L.C. # 1985CF780)
2020AP1516-CR	State of Wisconsin v. John A. Casteel, a/k/a Tayr Kilaab al Ghashiyah (Kahn) (L.C. # 1985CF1026)

Before Stark, P.J., Hruz and Seidl, JJ.

In response to a pattern of filing frivolous appeals, this court entered an order pursuant to *Minniecheske v. Griesbach*, 161 Wis. 2d 743, 468 N.W.2d 760 (Ct. App. 1991), requiring John Casteel, a/k/a Tayr Kilaab al Ghashiyah (Khan) to submit affidavits and other supporting documentation for future filings setting forth grounds upon which relief could be granted.

Khan has now filed a notice of appeal for these two cases seeking review of a circuit court order entered on August 13, 2020, that denied his most recent postconviction motion on the

grounds that it was procedurally barred under *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 517 N.W.2d 157 (1994). Khan has submitted an affidavit in support of his appeal, along with a copy of an additional circuit court order that was entered on May 9, 2018, amending his judgment of conviction to reflect a penalty enhancer for concealing identity. Khan contends that *Escalona-Naranjo* cannot be applied to postconviction challenges to an amended order, because he could not previously have challenged an order that was not yet in existence.

However, under *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991), a matter already litigated cannot be relitigated in subsequent postconviction proceedings “no matter how artfully the defendant may rephrase the issue.” The claims that Khan attempted to raise in his latest postconviction motion have already been litigated, and do not relate to the amendment of his judgment of conviction regarding a penalty enhancer. The fact that the judgment of conviction has been amended does not allow Khan to relitigate matters that have already been addressed by the courts in relation to a prior judgment.

Because Khan has not demonstrated that his current appeal raises an issue upon which relief could be granted, we will not accept his notice of appeal for filing. We therefore do not need to address Khan’s additional requests.

IT IS ORDERED that appeal Nos. 2020AP1515-CR and 2020AP1516-CR are hereby dismissed for failure to state a claim upon which relief could be granted.

Nos. 2020AP1515-CR  
2020AP1516-CR

IT IS FURTHER ORDERED that the clerk of the circuit court does not need to transmit the record to this court, and no further action will be taken on additional filings by Khan in these matters.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*