

cc opposing counsel

State of Wisconsin Civil Court Wisconsin Court Appeals Supreme Court

State of Wisconsin

no: case: 2019XX1772-CR ?

Scott Pearty

2019CV1248

RECEIVED

JAN 02 2020

Dec. 20th, 2019

CLERK OF SUPREME COURT OF WISCONSIN

Pearty seeks relief from judgement, ss. 806.07

Pearty seeks relief from the judgement per state statute 806.07 of Wisconsin. The ruling of the Appeals Court, Reilly P.J., was a mistake inadvertance, surprise or excusable neglect as as the Court addressed a case it was not assigned, nor did the Appeals court have jurisdiction in Pearty's civil case of appeal of Revocation. Memorandum

The case had been filed with the Circuit Court, case 2019CV1248, and Judge Michael Bohren was assigned. all appropriate persons were copied with a physical copy through certified mail (service) with proof of service, and there was an electronic copy available.

The court of Judge Michael Bohren through his clerk even made the copies of the Appeal for Pearty. To say service was not received is a little ridiculous. Please see filing of

exhibit of July 15, 2019, Case 2019CV1248 has been "assigned to Judge Michael Bohren." Instructions also follow. Copies were to be filed with State of Wisconsin (for service); Brian Hayes (for service) and two copies to return with proof of service; as prouty was indigent. This service was completed via U.S. Postal Service Certified mail #'s. 7018 1130 0000 8482 3637 & 7018 1130 0000 8482 3620 To Brian Hayes and the representative of Waukesha County Court, even though the clerk made the copies, performed the establishment of an electronic copy in September of 2019. Service was provided AGAIN!

To say Prouty failed to file according to state statute after receiving instruction from the Court in Waukesha of Michael Bohren for indigent proceedings is mistaken.^① Also the Appeals Court didn't have the jurisdiction to rule on the matter as Judge Bohren has himself not ruled on the matter. Prouty had not been informed of any "pass" to P.J. Reilly nor did he forward a briefing to him; nor had he been notified of an appeal of Bohren's ruling by the State or District Attorney of Waukesha County.

The court of P.J. Reilly has issued a ruling without knowing Prouty had a indigent instruction from the court; Prouty assumed ~~the~~ ^{P.J. Reilly's} inadvertance of ruling on this case, although assigned to another court and Judge Bohren; is immediately reversible; This is the remedy sought. The Ruling needs to be reversed and the case returned to where it was originally assigned for judgement.

Scott Prouty ^{es}
Pro. Se.
Dec. 20th, 2019

FOOTNOTES.

① Pro-se filings should be liberally construed.



CLERK OF CIRCUIT COURT'S OFFICE

WAUKESHA COUNTY

GINA M. COLLETTI
Clerk of Circuit Court

515 W. Moreland Blvd., Room C-167
P. O. Box 1627
Waukesha, WI 53187-1627

LAURA M. KELLEY
Circuit Court Supervisor - Civil Division

Phone: (262) 548-7525
Fax: (262) 548-7546

July 15, 2019

A208

Mr. Scott Prouty
c/o Dodge Correctional Institution
P.O. Box 661
Waupun, WI 53963-0661

FILED

JUL 15 2019

CIRCUIT COURT
WAUKESHA COUNTY, WI

Re: **Scott Prouty vs. State of Wisconsin et al**
Case #2019-CV-1248

Dear Mr. Prouty:

The above entitled action has been filed in Waukesha County Circuit Court and assigned to Judge Michael Bohren with case number 2019-CV-1248. Please direct any future correspondence to Judge Bohren's clerk at the address above. Enclosed are copies of the court's Order on Prisoner's Petition for Waiver of Prepayment of Fees/Costs and authenticated copies of your documents filed with the court on July 15, 2019 to be distributed as follows:

1. Your Copy
2. State of Wisconsin (for service)
3. Brian Hayes (for service)
4. Two Copies to return with proof of service

Please be advised that it is your responsibility to accomplish service on the defendants in this matter. Please refer to Chapter 801 of the Wisconsin Statutes.

Sincerely,

Laura Kelley

Circuit Court Supervisor
Civil Division

enclosures

cc: File



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

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Web Site: www.wicourts.gov

DISTRICT II

FILED

DEC 10 2019

**CIRCUIT COURT
WAUKESHA COUNTY, WI**

19 DEC -9 PM 1:32

**CLERK OF CIRCUIT COURT
WAUKESHA COUNTY, WI**

*Received
2019
2019
301
mail room
JIA Barnes*

December 5, 2019

To:

Hon. Michael P. Maxwell ✓
Circuit Court Judge
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Susan Lee Opper ✓
District Attorney
515 W. Moreland Blvd., Rm. G-72
Waukesha, WI 53188-2486

Gina Colletti ✓
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

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

Priya Barnes
353 Forest Grove Dr. Suite 200
Pewaukee, WI 53072

Scott Prouty 474076
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

2019XX1772-CR

State of Wisconsin v. Scott Prouty (L.C. # 2019CF767)

Before Reilly, P.J.

Scott Prouty moves the court *pro se* to be produced for a hearing. No matter is pending in this court in relation to the above-captioned circuit court case. The requested relief is denied.

There is no indication that a copy of the motion was served upon the Attorney General, who represents the State of Wisconsin in this court, or the District Attorney, who represents the State in the circuit court. WIS. STAT. § 165.25(1); WIS. STAT. § 978.05(5) (2017-18). All documents filed in this court must be served upon opposing counsel. WIS. STAT. RULE 809.80(2). "Service" means providing a copy of every document filed in this court to opposing

No. 2019XX1772-CR

counsel and stating on every document filed in this court that a copy has been provided to opposing counsel. In the future, all documents filed by Prouty must state that they have been served on opposing counsel. Failure to do so will constitute a violation of the Rules of Appellate Procedure and may cause delay in disposing of a request for relief or the request for relief may be denied for lack of service.

An informational copy of this order is provided to Prouty's recently appointed counsel in the circuit court, Attorney Barnes.¹

Upon the foregoing reasons,

IT IS ORDERED that the motion to be produced for a hearing is denied.

IT IS FURTHER ORDERED that all documents filed in this court must state that they have been served on the Attorney General and the District Attorney.

Sheila T. Reiff
Clerk of Court of Appeals

¹ It appears that Prouty filed the motion addressed by this order while he was unrepresented.

Scott Prouty
Box 1100576
474076

Case No.
2005CF1445
121918-474076

FILED

JUL 15 2019

Scott Prouty
(Def)

CIRCUIT COURT
WALKESHA COUNTY, WI

May 8, 2019

19 MAY - 7 PM 1:08

CLERK OF CIRCUIT COURT
WALKESHA COUNTY, WI

W.D.

State of Wisconsin & Brian Hayes
(Plaintiff) (Div. Administrator
Hearings & Appeals)

Petition for writ of
Certiorari, §01.02(7) et

Prouty seeks permission to bring a writ of certiorari per state statute §01.02(7). He states numerous federal constitutional errors: failure of Due Process 4th, 5th, 6th, 8th, and 14th amendments were violated.

Prouty seeks relief in the form of a new preliminary hearing and revocation hearing, or alternative to revocation.

Summary

Prouty, claims he was denied counsel at his hearing or initial interview at Waukesha County Jail when counsel was requested. This was a 6th amendment violation of the Federal Constitution, as well as 4th and 14th Due Process constitutional violations as the administrative rules of the D.O.C. and the State of Wis.

allow the presence of a attorney when requested, see Admin Rule 331.05

Prouty was afforded ineffective counsel, counsel by the public defender office on four separate occasions; almost all of which showed up to interview me without a file on the case / revocation from the probation parole office or public defender office. This is a Constitutional violation of the 6th Amendment to the U.S. Constitution. Nor did I have any binding contract with these said attorneys nor public defender office for service or attorney client privilege. All counsel was unprepared and had not prepared any defenses, often violating my instructions for my defense or failing to pursue them completely. In short, they grab a notebook and pretend to be attorneys while in your presence. See Strickland vs. Washington, 466 US 668

Prouty was denied Bail; no bail bond hearing was provided. Subsequently prouty could not build his own defense by obtaining public records and case law precedence to work with. Outside there are resources, inside jail few when indigent - no copies, no case law were allowed. Denial of bail is the equivalent of excessive bail, an 8th Amendment constitutional violation. I had a hearing with Commissioner Schimmel & ADA Oppen who concluded they had no jurisdiction on ~~me~~ ^{Prouty} at the time to allow a hearing. They were also in error; 14th Amendment ^{Due Process} error.

Prouty states that he was not informed of his right to remain silent at three facilities where he was booked: Waukega County Jail, White Cross, GA Jail; and Okaloosa County Processing; as well as Crestview, FL Jail. This would be a 5th amendment violation, informing of the right to remain silent, not to incriminate oneself. If he stated he was out of state it should not be admissible.

Prouty asserts that his personal possessions were seized, property, papers and effects without probable cause or a search warrant. Prouty was approached for laying on a park bench at 9:30 AM in an alley or secluded area where there was a public bathroom, while waiting for the library to open to use the WIFI internet as he had a computer with him. Prouty's wallet was seized, that had personal information, drivers license, social security card, childrens social security numbers, and never returned. About \$300-\$500 dollars of gear & property was seized and never returned. This is a 4th amendment violation; The right of the people to be secure in their persons, papers and effects.

Prouty asserts his rights to Due Process of the Law was abused, violated, destroyed through a significant number of means.

A few of them are the following:

- illegal seizure (no cause), defective warrant
- illegal search of persons & property

- no criminal warrant was issued, nor presented, only a teletext from a squad that said "probation warrant;" no other detail. (illegal seizure)
- I was denied equal protection of the law, through the targeting of a suspect class, homeless.
- I was interviewed after 72 hours of detention in Waushara County Jail, well after my original detainment starting Nov. 8th 2018, by probation and parole on the 30th of Nov. 2018 - I was booked on the 25th. See Admin 331.05, 973.155 &
- I was not afforded a speedy process as the my hearing of revocation was past 50 days - the state having caused the initial delays; firing of Galavey attorney did not impede scheduling as they proceeded with out me at the preliminary, even after he was fired! (See HA 2.05 (4); ~~HA 2.05~~ 331.05 (4); 331.05(5); 331.05(B)) and after they had cancelled the hearing that same morning.
- Prosecutorial misconduct ^{occurred} - holding a hearing without me present, and with out counsel that represented me at both the preliminary and final revocation hearing
- The ALS abused his discretion in failing to provide me the right to heard, the right to be present, to present documents as evidence, to question witnesses, to remedy a defective preliminary hearing (See HA 2.05); currie v. Wis. Dept of Rev, 2006 WI App 12

The ALS also abused its discretion by failing to submit to the record and address numerous documents of defence mailed to the Milwaukee Wisconsin office by Preuty.
(See State vs. Mills, 42 Wis 2d 186)

- The state found probable cause for only 1 count, count 4; counts 1, 2, & 3 should not have been addressed at the final hearing. Count 4 was again the only count found probable at the preliminary hearing. That is all.
- Attorneys failed to submit alibi "works" 5 days before the final revocation hearing; attorneys Wolf and Kershal only met with me via televisit; no exchange of documents, credentials, contracts, etc. (See Supreme Court Rule 20) were not to speak on my behalf without my presence.

There are many other offenses that may be charged of due process failures as it was an errant process from start to finish; with inexperienced, incompetent lawyers, backwoods or racketeering like process by staff of probation & parole and the Div. of Hearings & Appeals, ALS.

Please accept this preliminary petition, copy & return, ~~as~~ stamped by the Clerk of Court as filed, for the action of a petition, writ of Certiorari — unless the privilege of a writ of Habeas Corpus has been

suspended. Thank you for your
co-operation and time - also release me!

Regards,

St. Scott Prouty
Pro-Se.

May 6, 2019

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

Scott Prouty vs. State of Wisconsin et al

**Electronic Filing
Notice**

FILED

08-23-2019

Clerk of Circuit Court

Waukesha County

2019CV001248

Case No. 2019CV001248

Class Code: Petition for Writ of Certiorari

STATE OF WISCONSIN

Case number 2019CV001248 was electronically filed with/converted by the Waukesha County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register as an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 244fc9

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-548-7525.

Waukesha County Circuit Court

Date: August 23, 2019

BY THE COURT:

DATE SIGNED: July 11, 2019

Electronically signed by Michael O. Bohren
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT CIVIL DIVISION WAUKESHA COUNTY

In RE: the Petition of Scott Prouty:

Scott Prouty,

Petitioner,

and

CASE NO. 19-IP-01

State of Wisconsin/Brian Hayes.

Respondent.

Order on Prisoner's Petition for Waiver of Prepayment of Fees/Costs

COURT FINDINGS AND ORDER

Upon review of the Prisoner's Petition for Waiver of Prepayment of Fees/Costs – Affidavit of Indigency, the Court finds:

1. The Petition is GRANTED because the prisoner is deemed indigent.

State of Wisconsin CIVIL COURT

Waukesha County Courthouse
Page 4 of 9

Scott Prouty
vs
State of Wisconsin, et al

Case no. 2019CV1248

BRIEFING

2019CV1248

by

Scott Prouty
PRO. SE

AUG 7, 2019

NOTICE OF APPEALS RIGHTS

Judicial review of a revocation decision may be obtained by writ of certiorari in the county in which you were last convicted of an offense for which you were on supervision. See Wis. Stat. §801.50(5). Any action seeking a remedy available by certiorari made on behalf of a prisoner as that term is used in Wis. Stat. §801.02(7) must be commenced within 45 days of the decision to be reviewed. See Wis. Stat. §893.735.

The Petition for writ of certiorari should name the division administrator as the respondent and must be filed with the appropriate court and then served on the Division of Hearings and Appeals at 4822 Madison Yards Way, 5th Floor, Madison, Wisconsin 53705-5400.

2019CV1248

Arguments

pages

- 1-2 Failure of the 6th, 4th, & 14th Amendment to the Constitution of the United States by denying Counsel presence, Argument 1
- 3-4 Ineffective Assistance of Counsel, Argument 2
- 5-6 Failure to read the Rights of the Accused & Miranda warning, Argument 4
- 8-8 Failure of Due Process, Preliminary Hearing, ARG 6 & 11
- 9-10 Failure of Due Process, Illegal arrest, ARG 7
- 11-12 Failure to Hold ~~Final Rev~~ ^{Final Rev} Hearing w/in 50 days, Argument 10
- 13-14 Failure of Due Process, Probable Cause, Argument 14
- 15-16 ALJ - Due Process ERRORS & Abuse of Discretion, Argument 12
- 17-18 Non Binding Contract, Didn't Sign Rules of Argument 16 & supervision, Due Process Failure of Constitutional Rights.
- 19-20 Prejudicial Evidence, Due Process - Argument 6
Violation

2019CV124

Exhibits

pages

- 1 Doc 414 p. 2 Final Revocation Hearing
- 2 OAH Letter of Feb. 11, 2019 - (Final Rev date Feb 13)
- 3 OAH Letter of Dec 19, 2018 - (Final Rev date of 12/9)
- 4 WISC. DOC LETTER OF NOV, 12, 2018 Date Apprehended 11/8/18
- 5 VIOLATION WARRANT, PROBATION
- 6-7 Rules of Supervision (2 pages)
- 8-21 REVOCATION ALIBI, MITIGATING FACTORS (13 pages)
- 22-24 APPEAL DECISION OHA 6-5-19

pages

IndexConstitutional

- 7, 8, 10, 16 1st Amendment to the U.S. Constitution, Freedom of Speech
- 1, 4, 18 4th Amendment to the U.S. Constitution, warrant, due process
- 4, 5, 6 5th Amendment to the U.S. Constitution, Right to silence
- 1, 2, 3, 4 6th Amendment to the U.S. Constitution, Right to Attorney
- 4 8th Amendment to the U.S. Constitution, Right to Bail
- 14th Amendment to the U.S. Constitution, Right to Due Process

pages

CASE LAW

- 15 CURRIE vs U.S. Dept of Re. 100, 200 W 2d 112
- 5 MICHAEL vs A. 320 W 4
- 17 State vs Mandwick, 144 W.S. 2d 54, 422 N.W. 2d 922
- 10 State vs Miller, 62 W.S. 2d 186
- 7 State vs. Ex Rel Rodriguez vs. Dept of Health, 35 S. 133 W.S. 2d 47
- 3 STRICKLAND vs WASHINGTON, 466 US 668
- 1, 14 THOMPSON vs RIVLAND, 109 W.S. 2d 580

2019/1/14

Administrative Rules & Code Examples

295

3,4, 19, 19. HA 2.05

6 HA 2.05(6)C
HA 2.05(4)

1,4,7,8 331.05(5)

7 331.05(8)

7 331.05(3)

11 440.30

10 468.07

9 468.07(1.1)

4 468.04

0 472.03

8 462.30

7 475.155

1 201.10

Constitutional Assurance of
 Counsel

See Paragraph 7 of p. 2
 of DHA Hearing Decision
 See Argument 2 of
 CS 2019 CV 1248

6th Amendment is allowed an attorney through his Sixth Amendment
 Constitutional Right. He is also allowed counsel under
 HA 2.05
 was administrative rule HA 2.05, see DOC form
 414 Section B of p. 2. Form 414 also states "at the final
 revocation hearing Prouty had the right to an attorney."

If the attorney provides me service of defense
 except what ^{Prouty} ~~Prouty~~ provided, notes, at the final rev
 (Keronek) hearing he is deficient. His ~~representations~~ should
 be reviewed by the DHA, Brian Hayes Administrator
 a failure to do so is a due process violation. It is
 like buying a "Bench warmer" on a high school team
 to play in the National Football League; only he stands
 in place, not moving, not playing on the field, not active
 in the game, putting his team at a disadvantage.

Attorney Keronek did not bring a defense. He did not
 contribute to the team play; he sat and remained
 mute or worked the other side of the ball. He caused
 Prouty prejudice because of his failure to contest
 the allegations and his failure to bring issues & research
 issues assigned to him by Prouty. See Strickland vs
Washington, 466 US 668, prejudice caused by deficiency.
 Prouty had provided Keronek numerous issues

to pursue a more complete list in fact to do.
 He failed to: develop arguments, brief arguments,
 submit letter of Habeas in defense file (see Exhibit
 Revocation A101), research objective probation warrant,
 research failed extradition paperwork - The Governor's
 warrant, failed Miranda warning process, ^{Research} failed
 booking process, to research probable cause argument
 for allegation 4 to contest or contest to allegations
 1, 2, & 3 being used for sentencing as magistrate King
 had only found allegation 4 to be probable as the prelim
 finding for revocation, ^{to research} constitutional arguments of
 failures of the 4th amendment (defective warrant),
 5th amendment (Right to remain silent), 6th amendment
 (Right to Counsel), 8th amendment (Right to Bail), and
 14th amendment (Right to Due process.) He is as to
 to research: the character of Susan P., the fact that Prady
 never signed his rules of supervision, the numerous viola-
 tions of 331.05 and HA.205, the training records of the
 arresting officer & the officer who interviewed Susan P.,
 Susan P. DV charge of 2018, police report of 15CM1497
 report Susan's intoxication, transcript of 15CM1497's acknowl-
 ed case, John Doe case centering on body parts in Susan's
 yard. All these failures preclude me as the victim
 eliminate the ~~possibility~~ ^{possibility} of guilt or mitigate allegations.
 Kerchak didn't follow protocol or paper. How can the
 DHA fail to argue the issue saying "Claims are not
 reasonable." Prady seeks the Reverse 3, Remand of his
 Revocation.

Regards
 Scott Prady
 PCDC
 AUG 7, 2019

Failure to Read Prouty
the Rights of the Accused &
Miranda Warning

See p. 2, Paragraph 13
of Appeal Decision of
OHA, 6-5-2019

See Argument 4 of
2019CV1248

Prouty, defendant, claims that the States of Wisconsin, Florida, and Georgia all whom had detained him failed to read him the Rights of the Accused & his Miranda warning. This failure, at all locations constitutes a 5th Amendment violation to the United States Constitution.

Under the 5th Amendment Prouty should have been informed of his right to an attorney, and his right to remain silent - "anything you say can be used against you in a court of law."

The State had me arrested the 8th of Nov 2018; I was not arrested for approximately 6 months later, and also then criminally charged.

The State was practicing stratagems of interrogation and using informants to talk to me to try to get statements to use against me all ways. Even letters from home, allegedly Susan Prouty, asking me to write home were produced soliciting responses. Why was the State trying to build something that didn't exist. Although not informed to do so I remained silent, and non-responsive to letters of "forgiveness" from home. Where this comes from I am unsure of, the minds poundness. The handwriting was different but similar of Susan P.

How is the State allowed to violate my Constitutional Right, time & time, again - building false witness against me. What additional hearsay may have been used, I don't know, I was removed from the hearing of final revocation and have not obtained the transcript requested yet from OHA if one exist.

Under Miranda vs Arizona, these illegal stratagems, violations of my 5th Amendment, are illegal, and the fruit of evidence, was the State says it may submit

evidence not legally obtained, at a revocation hearing. See Appeal Decision p2, paragraph 3 of response dated 6/15/2019; the office of Brian Hayes OHA Administrator states "evidence gathered in violation of the law may be admitted as evidence at a revocation hearing;" see HA 2.05(6)c.

I can find no record of this excluding hearsay, but that comes back to false statements, attempted coerced statements, all without a prior warning of the Rights of the accused and miranda, being inclusion of evidence. Even seeking a written statement is a violation of my 5th Amendment to the U.S. Constitution right, with out the opening of an attorneys office and miranda warning; But such is the practice of the Department of Corrections, Probation & Parole / Extended Supervision Office.

Why has the state and Federal Government allowed this? The Revocation Process under the D.O.C and OHA is unconstitutional, numerous violations plague the system. Something as simple as reading a person his rights and a miranda warning, affording an attorney, should not be overlooked. The 5th Amendment to the U.S. Constitution should be adhered to. I should have been read a miranda warning, instead of asked to give a verbal & written statement to Agent Flack. This created prejudice to me at the proceedings - having not signed a statement but given one verbally as Flack ^{then} pursued ^{from} me for revocation.

The Revocation of Prouty should be overturned and proceedings repeated using observation of constitutional Rights and laws we follow.

Regards,
R. Scott Prouty, Pro. Se.

2019

Failure of Due Process Preliminary Hearing

Page 3, P1
of Appeal Decision
DHA, 6-5-19; 2019 CV124
Argument 6; Argument 11

Prouty properly asserts a claim to a Due Process failure and constitutional violation of 14th Amendment of the United States Constitution and Rule 331.05 of the Administrative Code of Wisconsin at the preliminary hearing had defects of process; and the Division of Hearings and Appeals false in saying it has no jurisdiction of the hearing run by the Dept of Corrections.

At the preliminary Prouty had no legal representation. Attorney Galaney who had attended the hearing illegally was fired the morning before the hearing via teleconference. There should be a video record of such a conversation with him at WCS. When Galaney is asked for a defense on Prouty's behalf he says he has none. On page 2, paragraph 7 of the Revocation Summary, DOC 1950 form, he states he (Galaney) has met with Sum Ture (Prouty) and he wants him off of the case; but Galaney remains for the hearing with no defense. Had Prouty had a competent attorney with a defense there would have been no finding of probable cause. Magistrate King didn't find probable cause for allegations 1, 2 and 3, only allegation 4. The potential for loss of Liberty requires the assistance of Counsel, failure to do so is a Due Process Error, State vs. Hardwick, 144 Wis 2d 54, 422 N.W. 2d 922. The failure of the attorney to provide any statement or question any one at the preliminary constitutes the equivalent of no representation at the hearing and a 14th amendment Error, as well it is a violation of Admin Rule 331.05(5) the qualified right to an attorney.

Prouty also asserts that the State should have cancelled the hearing and Rescheduled because they had informed him that the hearing had been cancelled; see page 2, paragraph 7 of the Revocation Summary. Staff had also been informed at WCS. This is also a violation of Admin Rules 331.05(3), Right to notice, and 331.05(8) notice to reschedule. Prouty had filed Counsel that day. He believed he had no Counsel as well. See Thompson v. Rutland, 109 Wis. 2d 580 a person is denied due process with lack of notice.

Prouty also asserts the State, DHA, has erred in saying it has no authority over a preliminary hearing review. If the DHA Agent has no authority, it has no function, as the DOC runs the hearing - but also makes the initial recommendation and is ~~not~~ impartial to the review of the allegations and then has no governing body to check the magistrate's decision. There needs to be checks and balances to this system otherwise...

The 14th amendment guarantees "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." DHA should reasonably have the jurisdiction of the Prelim hearing in review contrary to what it states in Appeal Decision of 6-5-19 paragraph 2 of page 1; it states a complaint about a deprive preliminary hearing is ~~the~~ not the appropriate forum with the Division of Hearings & Appeals:

At the final revocation hearing, ALS Reidmaier, stated that the "Final Revocation hearing is ~~not~~ the solution to a failed preliminary hearing." I interjected as AHA Keechek remained silent saying "a new prelim is the appropriate solution." He stated this twice to prouty, prouty disagreed. Again it seems they have eliminated the purpose of the prelim hearing as there can be no contested matter after the preliminary hearing, just sentencing by an ALS. He did not state the review was out of his jurisdiction but said the Final Revocation is the remedy to the defect.

Again this is a 14th amendment violation of Due Process. (I asked for the Final Rev. transcript with no reply by the DHA.)

For all the above reasons, the State DHA, at various levels with the D.O.C. have violated my Due process Rights and Admin Rules of 331.05. The Revocation should be reversed, as God as my witness.

Regards,
R Scott Proetyor R-SL
Aug 5, 2019

Footnote
1. 14th Amendment violation of U.S. Constitution,
See U.S. Constitution Freedom of Speech

ECM	MODE
FINE	RESULT
OK	PAGE(S)
02	DURATION
00:01:15	FAX NO./NAME
12625243897	DATE, TIME
02/07 10:59	

SER.# : BR0J9J977643
TEL : 2625424217
FAX : 2625421993
NAME : RACINE AVE LAW OFFICE
TIME : 02/07/2019 11:00

TRANSMISSION VERIFICATION REPORT

Failure of Due Process Illegal Arrest

See paragraph 10, Pt
of Appeal Decision
OHA, 6-5-19; 2019CV12
Argument 07

Prouty asserts his arrest of Nov. 8th, 2018 was illegal and his detainment and transfer (extradition) is false imprisonment and illegal as well. All ~~are~~ ^{were} Due Process violations; ~~and~~ 14th Amendment of the U.S. Constitution violations. There was no legal warrant of arrest; a 4th amendment violation; "no warrants shall issue but upon probable cause, supported by oath & affirmation." Prouty was arrested in Ft Walton Beach Florida Nov. 8th 2018. Was approached for no reason but for waiting for the local library to open to use the internet for job interview research - he had training the following day or week with a local company, Tom Thumbs. The police stated he had some kind of warrant, they weren't sure, for ~~him~~ and took ~~him~~ into custody. No rights of the accused were ever read, no miranda warning, no paper warrant, no visual of an electronic warrant. He received no local citation. Wisconsin had issued a teletext probation warrant on Oct 15th, 2018 that they were serving on Nov. 8th of 2018. Wisconsin state statute 968.375(6) states that a subpoena or warrant shall not be served more than 5 days after the date of issuance. This warrant was expired when served upon me. Therefore there was no basis for my arrest and detainment. This is a due process, 14th amendment violation of the U.S. Constitution. On initial review of the document in Wisconsin the probation warrant had other defects; it was not signed by the proper authority, electronically signed, but not by the Regional Probation Director Sally Fess. The warrant itself is non-descript of the person sought and the alleged violation; another violation of the state statute 968.375(6) of the state of Wisconsin. Prouty should not have been detained illegally. No felony arra. has ever been issued. This warrant was also not signed by any judge. 968.04 of Wisconsin state statute says a warrant requires a judicial signature. Prouty was arrested & held illegally. See Exhibit Probation warrant. The faulty warrant was not supported by probable cause or oath & affirmation.

Prouty states that he was illegally extradited from the states of Florida and Georgia. There never existed a Governor's warrant from any state to move him from one location to another. This is a violation of due

State statute 976.03(7) the Uniform Criminal Extradition Act. The failure to produce any such documentation again is a Due Process failure and 14th Amendment violation. Prouty was involuntarily taken into custody, held and transported illegally; he was falsely imprisoned. A failure for PTA America to obtain the Governors Warrant for Extradition is a crime and is punishable in Wisconsin.

The States of Wisconsin, Georgia (White Cross Jail) Florida (Crestview, FL Jail) held Prouty illegally; falsely imprisoned him without proper Warrant. This is a felony H in Wisc.; it reads a person can not be intentionally restrained without that persons consent and with the knowledge that he/she had no lawful authority to do so; see State Statute 940.30 of Wisconsin. To date Prouty has seen no proper arrest documents nor retainers to hold him. This too is a 14th Amendment Due Process violation.

Prouty asserts to date he may ~~be~~ have been detained arrested by non-law enforcement personnel, temporary guards at Ft. Walton Beach, FL. He was never arrested by the City of Waukegan nor by any state of Wisconsin Law Officer.

This is a violation of Wisc. State Statute 968.07 To date no person has read me the Rights of the Accused nor a Miranda Warning in Relation to my detainment in any state, nor has a citation been issued, in any state to me.

Illegal ARREST,

This should fall within the scope of the DHS AAs Authority or it should lose the jurisdiction all together to the State Court.

For all the Due Process Failures cited Prouty states that his 14th Amendment Right to the U.S. Constitution has been Violated and he should be afforded a Release from custody and probation/ES held. removed.

Scott Prouty
Pro. Se.
11/24th. 2019

Final Review on

11

Failure to hold ~~hearing~~
hearing within 50 days;
Due Process Failure

See P 2, Paragraph 10
of Appellate Decisions
of PHA, V-5-2019
See Argument 10
of 2019CV1248

Prouty, defendant-plaintiff argues that the D.O.C. has violated the "50 day rule" within the Department of Hearings and Appeals, HP 2.05(4), failing to hold a revocation hearing before the Wisconsin Administrative rule of 50 days passed. (Time passes)
The State, DHA, claims prouty caused the delay but in fact the state had succeeded with the prison hearing without prouty - causing no delay, on December 12th, 2018. Prouty was originally detained on November 8th, 2018 on a probation warrant, although it was defective, expired and had no authentic signature. The state then scheduled its first revocation hearing on Jan 9th, 2019. ^{that was set for the 13th, 1-2019} There had been no request for an extension prior to the state hearing exceeded the 50 day time limit from my 1st day of detainment as related to my detention by probation and parole. There ~~was~~ ^{the} state has violated HP 2.05(4) at the D.O.C. and DHA level through poor scheduling, or intentionally delay to build the case & file required paperwork that should have preceded my detention. There should have been a 90 day investigation on the front side of my detainment for allegations of breaking curfew or my Extended Supervision, not building and filing on the back side. This delay should mostly on the circumstance of non-factually building a file. (see Exhibits of the letter of Dec 12, 2018 State of Wis. DHA, scheduling. See Exhibit of the letter of Nov 12, 2018 to prison file from Dawn Page of the DOC, stating date apprehended 11/2/18) (see also exhibit of letter of Feb 11, 2019, notice of Rescheduling to Jan 13, 2019, ~~from~~ from DHA.)

12

Joseph Doelack was the second appointed counsel by the public defender office. He had not asked for an adjournment until well after the 60 days of the scheduled hearing. He was fined for the failure to proceed with the D.O.C. the failure to to move a final hearing within 50 days:

The failure to comply with the OCC's ^{own} ~~own~~ rules ~~violated~~ may constitute rights causing an unfair proceeding. The decision by the O.A.H. needs to be overturned and returned to a preliminary hearing or discussions of an ATR.

Regards,
A. Pruitze, Pres-DC
8-7-19

Footnote

1. Interpretation of U.S. Constitution violation, due process of law

See paragraph 3, Pl.
of Appeal Decision
DMA, 6-5-19; 2019CV1248
Argument 18

13
Failure of Due Process:
Probable Cause

Prouty Claims that the state has violated his 14th amendment Right to Due Process when D.A.H. fails to acknowledge the lack of finding of probable cause on allegations 1, 2 & 3, but asserts the allegations ~~should~~ should be considered in revocation state hearing; only allegation 4 was found to have been probable by the D.O.C. Magistrate Bethany King at the preliminary hearing.

Probable cause is defined as "a reasonable ground for suspicion, supported by circumstance sufficiently strong to warrant a cautious person to believe that an accused person is guilty of the offense with which he is charged. (It does not require any believe it is correct

Bethany King did not find any admissible, relevant facts that could develop the reasonable ground for suspicion to believe Prouty had committed acts alleged; Theft, violent contact, and leaving the state. She did believe Prouty failed to give his agent a statement as there was no signed statement in file by Prouty to his Agent.

In order to pursue most cases criminal and other, a finding must be made of probable cause to proceed in the development of the allegations on case. This is the reasoning behind preliminary hearings and probable cause hearings, to determine where to proceed and where to discontinue work. In this instance the state continued to erroneously consider allegations that there were no findings for on the preliminary hearing by King; and the ALW falsely presumed by the same information, same file, that allegations 1, 2, 3, 3 should be considered in Revocation analysis. As King, the Magistrate, has eliminated allegations, Prouty, presuming that he was facing only Count #4, failure to give statement at

See *Thompson v. Rineand*, 101 Wis 2d 580, 326 N.W 2d 768 (1982) "Denied due process with lack of notice"; *State vs Felice*, 205 Wis 2d 347, 556 N.W 2d 376 96-0140, "prosecutorial misconduct violates due process if it poisons the entire atmosphere of the proceeding." By considering 1, 2, 3, 3 allegations at the ^{final} hearing, after no finding has been made of probable cause too is an act of prosecutorial misconduct, an abuse of discretion by the ~~Court~~ ALJ Reidmaier, and a Due Process failure of the 14th Amendment to the U.S. Constitution. In a criminal case ~~Case~~ ^{allegations} 1, 2, 3 should have been dropped and no longer considered in criminal action, why then in a D.O.C. proceeding followed by a D.H.A. proceeding has DHA gone against the grain of the lack of a determinate of probable cause predetermined by Magistrate King. There was a lack of the quantum of evidence. "No state shall make or ~~enforce~~ ^{enforce} any law which shall abridge the privileges or immunities of citizens of the U.S.; Nor shall any state deprive any person of life, liberty or property without due process of Law; Nor deny to any person within its jurisdiction the equal protection of the law;" the 14th Amendment has been broken here.

Prouty seeks a remedy and is entitled to a hearing based on Court on allegation 4 only!

Scott Prouty
 Preside.

Aug 5th, 2019

15

ALJ, Due Process
Errors, Abuse of Discretion

Paragraphs 5, 6
DHA Appeal Decision
6-5-19

Argument 12 of
6-2019-124

Prouly asserts that the DHA, ALJ has violated his due process right under the US 14th amendment and has abused his discretion. He has abused his discretion through his failure in not allowing me to speak. (see DCC 414 p 2 section C "Following Rights" "You have the following rights: to be present at the hearing, to speak and respond to questions from the Administrative Law Judge, to present a written or documentary evidence, to question witnesses, to deny allegations, to present witnesses.") Curri vs. U.S. Department of Rev, 2006 W2 App'd (abuse of discretion)

The ALJ had denied all these rights in, removing Prouly from the hearing of final revocation. As my attorney was made & refused by right the allegations the ALJ made, such as "The remedy to a failed preliminary hearing is a final revocation hearing." I asked for a calmly & a calm my right to statements the ALJ made while both the P.O. Agent & my counsel remained mute. He allowed me response from ^{Prouly} me, no debate. This was a 14th 25 violation. I discussed with my attorney the potential to see an attorney, as that I could speak as pro se counsel. I had said we can try it but if she shuts me down I will have to let you go. The ALJ asked to have me removed from the one sided denouncing hearing after. After said counsel in

The phone to 4 to 5 Milwaukee County Jailers and was removed to a holding room; to return 45 minutes later to a room where I could hear the hearing & had a visual. They asked me to speak then, I said about what, what's going on! That's all; found me to be shocked at that point - no explanation.

To remove ^{me} after firing, counseling, should trigger a stay of proceedings. Counsel did not represent me at the point of my extraction. For the ALJ to continue is a violation of due process. I had no agreement for counsel to speak without me present, I really had no contact at all with Kercher, not even with the public defender's office, only a financial aid interview. For Kercher to continue after he had been released is a violation of SC 20, misrepresentation, and a due process violation. The ALJ decision to proceed was poor and an abuse of discretion, as well as his failure to note numerous documents mailed to the office of the DHA Milwaukee such as 17 pages of Alibi and mitigating factors, (see Exhibit Revelation Alibi); this was not mentioned in any printed ruling (see State v. Indis; 62 W.2d 20, etc.) abuse of discretion.

Proving that the remedy of the reversal of the conviction procedure as the cure to the due process and abuse of ALJ's discretion.

Footnote

- ① 1st Amendment to the U.S. Constitution, Freedom of Speech
 Regarding
 Adult Prostitution
 7/2/19

Non-Binding Contract

Did not sign kind of Supervision (1010),
Due Process Failure of Constitutional Rights

see:
Paragraph 14.
17, DHA Appeal
Decision;
Argument 16
2019CV1248

Prohibits asserts that it was not bound by the personal contract of the kind of supervision, (Document 10) of the Department of Corrections. Furthermore the state provides a case from 1986; at that time we was a state with using probation, parole and mutual agreement program. It is my assumption that mutual meant both parties had to agree; it was not mandatory. (*State ex rel. Rodriguez v Dept. of Health and Social Services*, 135 A15 2047.) 1986.

The person would be bound to a contract without having signed a written contract, a mutual contract.

Prohibits asserts that he was to be on extended supervision from a 2005 case. In 2018 when he was released from Prison he refused to sign the equivalent of a M.A.P contract. He chose to do so because he had signed a contract in 2013 that was extensive and he had with several changing New rules; signed contracts or associate with people under the influence of drugs or alcohol, card patron, retailers or guests that sold liquor, etc. Trying to comply with these rules is like living on a desert island, void of plants and crabs drinking coconut milk that is fermented.

Prohibits states that his non-compliance should

cannot conclude from the execution of the
 that it was not a personal contract. That
 of his name as violators of constitutional
 Rights, 1st Amendment (Freedom of speech),
 4th Amendment (non-warranted search & seizure), etc.
 (See Exhibit of Rules of Supervision) should I
 as a citizen of the U.S. (dual citizenship) be
 prosecuted by a contract I didn't enter into
 with the Department of Corrections that violates
 constitutional rights of freedom and living,
 8th Life & Liberty. In some states I could vote
 as an inmate, not a woman, and are taking
 away from life here in the chess state, the
 land of the badge, borrowing ~~and~~ made under
 the title of me, signing away constitutional rights.

In evaluating a contract that severely restricts
 my right to live, should I sign it? No, this is
 abuse of due process - constitutional right to
 Life, Liberty (Restricted) it by business terms
 is an unconscionable contract under the
 Uniform Commercial Code 402.302. (It would be
 selling my life out to the state.) Under 402.302 the
 Court could find the contract to be unconscionable,
 and ~~void~~ ^{unenforceable} if it is not mutual, or beneficial
 to me, and voids me unconscionably. It was not
 signed, I should not be held to the words that would

deprive me of Life & Liberty. Remedy is Revocation of Ratification
 (See Exhibit Revocation ALICE Argument #2, 12/20/2018)

Respectfully,
 Scott Prouty, Esq.
 Pro Se
 Date 7/30/19

Prejudicial Evidence,
Due Process violation

Argument 6
2019CV1245
Paragraph 8, p2
DHA Appeal Decision
6-5-19

Proaty Reasserts that the DHA, ALJ HAS erroneously admitted hearsay evidence that was not presented to the defense as part of discovery requested by attorney Joseph J Dorlack, preceeding counsel to Kershek. There existed no clinical report of medical evidence, nor was there any existance of any photographs suggesting trauma or a struggle, nor injury photo's. All evidence, hearsay, otherwise should have been provided to the defense attorneys. If it existed at all the defense did not get it. This would be a Due Process violation, with holding evidence until the time of the Final Revocation hearing, See HIA 2.05, 55973.155, ~~55973.155~~, ~~55973.155~~. In addition there was no physical evidence of any alleged violation. To say this existed is absurd. The court relayed hearsay of a police report that was not authenticated nor sworn to by oath, nor affirmed by notary commissioned Public.

The State makes reference to such issues, photos, physical evidence in the DHA Appeal decision, although it was not addressed previously by Proaty so he addresses now. It was not address

for the

Above stated facts it was the defendant's
 duty to have had a medical expert. There to
 was no medical expert to verify or interpret
 any medical document beyond layman terms
 also making the alleged evidence inadmissible
 if it existed as the ACS was no medical expert.
 Could inclusions have been pre-existing, were they
 truly inclusions, etc.

For the reasons stated Procty Assc's
 illegal evidence was presented in the absence
 of the defense being provided copy; this is
 a 14th Amendment violation of due process,
 and unfair practice of law, Administrative of
 otherwise.

The revocation needs to be remanded &
 reversed as remedy.

Footnote 1 - 14th Amendment violation of U.S. Constitution, see
 Constitution of the United States.

Regards,

Scott Procty

Procty

AUG 7, 2017

Failure of the 6th, 4th, 3, 14th
Amendment to the Constitution
of the United States by Denying
Counsel presence.

Argument
del. ~~Argument~~
of Appeal 6
6-5-19

See Argument
of 2019 CV 1248

Prouty, defendant stated that he was denied the
right to ^{an} attorney when he first met with the
Extended Supervision agent Melissa Flack on 11
30th of November 2018; I was detained in Waukesha
on the 25th of Nov. 2018.

Agent Flack denied Prouty his 6th Amendment Right
to the Constitution of the United States in failing
to discontinue the interview when Prouty requested
an attorney; then further stated he didn't get there
at that stage of the process, only later an attorney
would be available to him. An attorney when requested should be at
Agent Flack also violated the Administrative Rule
of Wisconsin 331.05(5), the qualified right to an
attorney. She pursued her line of questions and
questioning after I had asked for an attorney.

Agent Flack denied prouty his 14th amendment right
to the U.S. Constitution; "nor shall any state deprive
any person of the life, liberty, and property without
due process of law; nor deny to any person within
its jurisdiction the equal protection of the law."

Because I was in pauperas forma should I be denied
the protection of the law and constitution, specifically
my liberty by agent Flack; No I should not. Why
then was I not allowed an attorney.

Agent Flack denied Prouty his 4th amendment right
to the Constitution of the United States in the failure
of securing Prouty's right to be secure in his person.
With the absence of counsel prouty was naked as to
his rights. He was unsecure to her line of questions.
Prouty ~~feels~~ ^{feels} that Agent Flack over reached her legal
footing through all the above mentioned violations.
He subsequently denied to sign the ~~statement~~

that basis alone by the Magistrate Bethany King at the preliminary hearing for probable cause. (See letter from Bethany King, D.O.C. Magistrate) allegations 1, 2, and 3, there was no notice of finding of probable cause.

From this initial failure of right of the U.S. Constitution and Wisconsin State Administrative Rule 331.05(5), right to qualified attorney stems the cascading due process failures that lead to his revocation of 4 years, 9 months to the Wisconsin State Prison system.

Pravly now seeks that his revocation be overturned and a return to the initial proceedings of the Department of Corrections, possibly seeking alternative remedies to incarceration.

Regards,
Scott Pravly, Pr. # 10
Aug 5th, 2019

State of Wisconsin Civil Court Waukesha County Court

FILED

AUG 9 2019

CIRCUIT COURT
WAUKESHA COUNTY, WI

Case / 2019CV1248

Aug 7, 2019

Prouby, Scott

vs

State of Wisconsin;
Brian Hayes, OHA

Motion to except format
deviation of Brief, Pro-Se
Applicant.

Nearly Pro Se Applicant of Writ of Certiorari
seeks exception to Format Rules of Briefing
as his memory fails him, law library time
is limited, resources such as pen & paper are
scarce, a dictionary would be a luxury. I have
written to the Court for paper but no reply and
no paper - as I had qualified for indigency
before Judge Michael O'Bohren. I had asked
for an extension or deadline to complete
Briefing, none received to date. So I can't wait
to accumulate paper; we get 3 sheets a week
through the indigent pack and a pen. Sometimes
the pen works sometimes not. I have very limited
resources to work with all around. I was also
placed on leg for peaceful protest, failure to go to
Criminal Court; I can't trade food for resources at
present.

For the above reasons please except this Brief
of the writ of Certiorari, and excuse format faults.

Regards,
Scott Prouby
Pro Se
8/7/2019

EXHIBITS

B. You are entitled to a **FINAL REVOCATION HEARING**, which you may waive. This hearing will be held before an Administrative Law Judge who will determine, based on evidence presented, whether revocation is appropriate. **At a final revocation hearing, you have the following rights:**

- To be present at the hearing;
- To present witnesses;
- To question witnesses;
- To receive a written decision, stating the reasons for it, based on the evidence presented;
- To deny the allegation(s);
- To present documentary evidence;
- To an attorney;
- To appeal the decision to the Administrator of the Division of Hearings and Appeals.

If a final revocation hearing is held, the determination under Section C and/or D will be made at the final revocation hearing.

At any hearing under Sections C and/or D, you have the following rights:

- To be present at the hearing;
- To speak and respond to questions from the Administrative Law Judge;
- To present written or documentary evidence.

C. **FOR PAROLE REVOCATION ONLY**, you are entitled to a good time forfeiture/reincarceration hearing to determine:

OFFENDER INITIALS Under the OLD MR LAW, how much good time should be forfeited and whether you may earn good time on the amount forfeited. You have _____ years, _____ months, _____ days good time available for forfeiture. Your agent has recommended forfeiture of _____ years, _____ months, _____ days, and that you be allowed denied an opportunity to earn good time credits on any amount forfeited.

OFFENDER INITIALS Under NEW MR LAW, the appropriate length of reincarceration. The remainder of your sentence under the new MR law is _____ years, _____ months, _____ days. Your agent has recommended that you be reincarcerated for _____ years, _____ months, _____ days. You do not have the right to earn additional good time credits under the new MR law.

The amount of time recommended for reincarceration or forfeiture is a recommendation only. The time may be increased or decreased by an administrative law judge in the case of a hearing or by the secretary's designee in the case of a waiver.

D. **FOR EXTENDED SUPERVISION REVOCATION ONLY**, you are entitled to a reconfinement hearing to determine:

OFFENDER INITIALS The appropriate length of reconfinement. The remainder of your sentence is 8 years, 0 months, 4 days. Your agent has recommended that you be reconfined for 4 years, 9 months, 20 days.

The amount of time recommended for reconfinement is a recommendation only. The time may be increased or decreased by an administrative law judge in the case of a hearing or by the secretary's designee in the case of a waiver.

RECEIPT

I have been advised that the Department of Corrections is recommending revocation of my supervision and I have received notice of the allegations against me and that I have certain hearing rights. I have received a copy of the "Outline of Revocation Procedures" and I have been advised that I may waive any and all hearings to which I am entitled. My signature immediately below is only an acknowledgment that I have received this notice and is not an admission of guilt of any allegations.

OFFENDER'S SIGNATURE	DATE SIGNED	WITNESS SIGNATURE
----------------------	-------------	-------------------

IF THE OFFENDER REFUSES TO SIGN ABOVE, COMPLETE THE FOLLOWING CERTIFICATE OF SERVICE

I, Melissa Fraek (Server's Name) certify that on the 30th day of November, 2018, a true and correct copy of the "Outline of Revocation Procedures", "Notice of Violation, Recommended Action, Statement of Hearing Rights and Receipt", and "Waivers and Custody Decision" were served upon SWH Pinsky by handing to and leaving with that person the same at Waukesha Co. Jail.

SERVER'S SIGNATURE	DATE SIGNED
<u>Melissa Fraek</u>	<u>11/30/18</u>

DISTRIBUTION: DOC-414 Original - DCC Offender Case File; Official Record - Social Service File, Chronological Section; Copy - Hearings and Appeals; Copy - Supervisor; Copy - Offender
 DOC-414A: Original - DCC Offender Case File; Copy - Hearings and Appeals; Copy-Supervisor; Copy - Offender
 DOC-414B: Original - Offender

2



State of Wisconsin DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
819 North 6th Street, room 92
Milwaukee, WI 53203-1685

Telephone: (414) 227-4781
FAX: (414) 227-3818
E-mail: doadhamilwaukee@wisconsin.gov

February 11, 2019

121918-474076 (D.O.B 8/19/1967)
Scott Prouty
Waukesha County Jail
515 West Moreland Blvd
Waukesha, WI 53186-2428

RE: Notice of Rescheduled Final Revocation Hearing

Your final revocation hearing previously scheduled for **February 13, 2019**, has been rescheduled. The hearing will now be held as follows:

Hearing Date: **March 14, 2019**
Hearing Time: **1:00 PM**
Hearing Location: **Waukesha County Jail**

Copies of this correspondence will be sent to your attorney and agent.

Please let us know if more than one hour is needed for this hearing. Thank you.

If you have questions, please call (414) 227-4781 or email: doadhamilwaukee@wisconsin.gov.

cc: Melissa Flack - e-mail
Lastrilla, Martin R - e-mail
Jessica Klein - e-mail
Waukesha County Jail - e-mail

State of Wisconsin DIVISION OF HEARINGS AND APPEALS



Brian Hayes, Administrator
819 North 6th Street
Room 92
Milwaukee, WI 53203-1685

Telephone: (414) 227-4781
FAX: (414) 227-3818
E-mail: doadhamilwaukee@wisconsin.gov

December 19, 2018

Hearing Date: **January 9, 2019**

121918-474076 (D.O.B. 8/19/1967)

Hearing Time: **11:00 AM**

Scott Prouty
Waukesha County Jail

Hearing Type: **Extended Supervision**

515 West Moreland Blvd
Waukesha, WI 53186-2428

Hearing Location: **Waukesha County Jail**

A Final Revocation Hearing has been scheduled to determine whether you have violated the rules or conditions of your supervision and, if so,

1. Whether the violation warrants revocation of supervision and
2. The period of reincarceration/good time forfeiture as required by state law (section 302.11, Wisconsin Statutes).

The hearing will be held according to § HA 2.05 of the Wisconsin Administrative Code, and § 973.155 of the Wisconsin Statutes.

The attached Revocation Hearing Request includes the alleged violations of your supervision and a list of witnesses scheduled to appear at the hearing. Your agent will put together evidence for the hearing. This information is available for your inspection from your agent unless the information or evidence is otherwise confidential. If you are in custody, your attorney may inspect it.

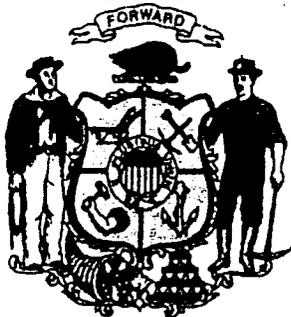
Agent, please let us know if more than one hour is needed for this hearing. Also, if you will be appearing via a bridge connection for the hearing, it is your responsibility to coordinate it. Thank you.

Your rights at the hearing include

- To be present
- To deny the allegation
- To be heard and to present witnesses
- To present documents as evidence
- To question witnesses
- To the assistance of an attorney
- To waive the hearing
- To receive a written decision stating the reasons for it
- To appeal the decision (see Section HA 2.05(8) of the Wisconsin Admin. Code)

If you or the agent have any questions, you may contact us at (414) 227-4781, or email: doadhamilwaukee@wisconsin.gov.

cc: Melissa Flack - e-mail
Lastrilla, Martin R - e-mail
Public Defender - e-mail
Waukesha County Jail - e-mail



Wisconsin Department of Corrections

Governor Scott Walker | Secretary Cathy A. Jess

DATE: November 12, 2018

TO: Agent Melissa Flack #70705
Probation and Parole, Unit 707
(262) 444-2329

FROM: Diane Lazar, Corrections Sentencing Associate Adv.
Division of Community Corrections Extraditions

RE: Return of ES Violator to Wisconsin

SUBJECT: **Name: Scott PROUTY DOC #474076-A**
DOB: 8/19/1967
Special Considerations: None

The above named offender is currently in custody at the Okaloosa County Jail, Crestview, FL, and is available for return to Wisconsin. The deadline for pickup is 11/19/2018.

PTS of America - U.S. Corrections is authorized to pick-up the subject and transport to the Waukesha County Jail in Waukesha, WI. This is to notify you that the transportation arrangements have been made as of this date.

Date Apprehended: 11/8/2018

Local Charges: None

Date Wisconsin Sentence Credit is from: 11/8/2018

CC:

Financial Specialist, Business Office (cost: \$1,044.75) P.O. # 7223 Transport #192919

Supervisor: Martin Lastrilla (262) 875-2357 Unit 707

Waukesha Co Jail - **Please notify agent when offender arrives.**

File

DEPARTMENT OF CORRECTIONS
Division of Community Corrections
DCC-95 (Rev. 10/04)

VIOLATION WARRANT

WISCONSIN
Wisconsin Statutes
Section 973.10

TO ANY PAROLE OFFICER, PROBATION OFFICER, PEACE OFFICER OR ANY OFFICER authorized to serve criminal process and to the Superintendent or other person in charge of any jail, penitentiary, lockup or other place of detention.

OFFENDER NAME Scott PROUTY	DOC NUMBER 474076-A	COURT CASE NUMBER 05CF01445
OFFENSE(S) Injury by Intoxicated Use/Vehicle, Injury by Intoxicated Use/Vehicle	STATUTE(S) VIOLATED 940.25(1)(A) 940.25(1)(A)	
TERM 8 Years Prison 8 Years Prison - consecutive	DATE OF SUPERVISION 05/08/2018	DATE OF ALLEGED VIOLATION (on or about) 10/15/2018

WHEREAS, The above named offender was granted probation, parole, Extended Supervision or Intensive Sanctions status on:

05/08/2018 Waukesha
Date If Probation-Name of County

AND WHEREAS, The above named offender is alleged to have violated the conditions of supervision by the following reason(s):

ABSCONDED from supervision in the Division of Community Corrections on 10/15/2018, and her/his Whereabouts and activities have been unknown until the time of apprehension.

ESCAPED from _____ on _____

Offender allegedly engaged in conduct that is in violation of federal or state statute, municipal or county ordinances, or tribal law in another state while on authorized/unauthorized temporary travel to that state.

Please use this Violation warrant as a **HOLD** for the State of Wisconsin Department of Corrections.

Wisconsin will extradite. We request the offender held with no bond or bail issued.

SEX	RACE	DOB	HEIGHT	WEIGHT	HAIR	EYES
<input checked="" type="checkbox"/> M <input type="checkbox"/> F	White	08/19/1967	5'09"	220	Gray	Hazel

THEREFORE, it is ordered that said offender be taken into custody and held pending a hearing on said allegation(s) to be held at a time and place designated by this Department.

Please use this Violation Warrant as a **HOLD/DETAINER** for the State of Wisconsin Department of Corrections. **Upon sentencing of charges in your jurisdiction, this form will serve as a detainer only.**

YOU ARE COMMANDED, in the name of the State of Wisconsin, to execute this order by apprehending and holding said offender in your custody, pending said hearing and this shall be your authority for so doing.

Witness my hand and the Seal of the
Wisconsin Department of Corrections
at Madison, Wisconsin

15th day of October 20 18

STATE OF WISCONSIN
Department of Corrections

Diana L. Lerner
DCC Regional Chief / Designee

DISTRIBUTION: Copy - Agent #70705 ; Copy -- Supervising Unit 707 ; Copy Regional Office 7; Copy - CRU

*Sally T. ...
Regional Chief
Dist 7*

Page 20

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Rules of Supervision

PERSON		
Name: SCOTT PROUTY	SID: 1034137	DOC #: 474076

CASE INFORMATION
Case Identifier: 1034137-1

DEPARTMENT OF CORRECTIONS

Division of Community Corrections

DOC-10 (Rev. 1/2014)

WISCONSIN

Wisconsin Statute 973.10

Administrative Code

Chapter DOC 328 & 331

Didn't sign
K. Willard

NOTICE: IF YOU ARE RELEASED FROM PRISON, THE HIGHEST POSSIBLE SENTENCE UPON REVOCATION WILL BE THE TOTAL SENTENCE LESS TIME ALREADY SERVED IN PRISON OR JAIL IN CONNECTION WITH THE OFFENSE.

IN ACCORDANCE WITH WISCONSIN ADMINISTRATIVE CODE, S. DOC 328.12, YOU HAVE AN OPPORTUNITY FOR ADMINISTRATIVE REVIEW OF CERTAIN TYPES OF DECISIONS THROUGH THE OFFENDER COMPLAINT PROCESS.

THE FOLLOWING RULES ARE GOVERNED BY ADMINISTRATIVE CODE, COURT ORDERED CONDITIONS, AND ANY GOALS OR OBJECTIVES SET BY THE DEPARTMENT OF CORRECTIONS. FAILURE TO MEET THESE EXPECTATIONS MAY RESULT IN PROGRESSIVE SANCTIONS UP TO AND INCLUDING REVOCATION. ALL RULES LISTED BELOW ARE ACTUAL AND IN FULL FORCE AND EFFECT. BY SIGNING BELOW, YOU AS THE OFFENDER, ACKNOWLEDGE YOU HAVE RECEIVED A COPY OF THESE RULES AND YOUR AGENT OR DESIGNEE HAS EXPLAINED THEM TO YOU.

YOU SHALL:

Rules of Supervision

ST 001. Avoid all conduct which is in violation of federal or state statute, municipal or county ordinances, tribal law or which is not in the best interest of the public welfare or your rehabilitation.

ST 002. Report all arrests or police contact to your agent within 72 hours.

ST 003. Make every effort to accept the opportunities and cooperate with counseling offered during supervision to include addressing the identified case plan goals. This includes authorizing the exchange of information between the department and any court ordered or agent directed program for purposes of confirming treatment compliance; and subsequent disclosure to parties deemed necessary by the agent to achieve the purposes of Wisconsin Administrative Code Chapter DOC 328 and Chapter DOC 331. Refusal to authorize the exchange of information and subsequent disclosure shall be considered a violation of this rule.

ST 004. Inform your agent of your whereabouts and activities as he/she directs.

ST 005. Submit a written report monthly and any other such relevant information as directed by DCC staff.

ST 006. Make yourself available for searches including but not limited to residence, property, computer, cell phone or other electronic device under your control.

ST 007. Make yourself available for tests and comply with ordered tests by your agent including but not limited to urinalysis, breathalyzer, DNA collection and blood samples.

ST 008. Obtain approval from your agent prior to changing residence or employment. In the case of an emergency, notify your agent of the change within 72 hours.

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- ST 009. Obtain approval and a travel permit from your agent prior to leaving the State of Wisconsin.
- ST 010. Obtain written approval from your agent prior to purchasing, trading, selling or operating a motor vehicle.
- ST 011. Obtain approval from your agent prior to borrowing money or purchasing on credit.
- ST 012. Pay court ordered obligations and monthly supervision fees as directed by your agent per Wisconsin Statutes and Wisconsin Administrative Code; and comply with any department and/or vendor procedures regarding payment of fees.
- ST 013. Obtain permission from your agent prior to purchasing, possessing, owning or carrying a firearm or other weapon, or ammunition, including incapacitating agents. An offender may not be granted permission to possess a firearm if prohibited under federal or state law.
- ST 014. Not vote in any federal, state or local election as outlined in Wisconsin Statutes s.6.03(1)(b) if you are a convicted felon, until you have successfully completed the terms and conditions of your felony sentence and your civil rights have been restored.
- ST 015. Abide by all rules of any detention or correctional facility in which you may be confined.
- ST 016. Provide true, accurate, and complete information in response to inquiries by DOC staff.
- ST 017. Report as directed for scheduled and unscheduled appointments.
- ST 018. Comply with any court ordered conditions and/or any additional rules established by your agent. The additional rules established by your agent may be modified at any time as appropriate.
- SP 001. Maintain absolute sobriety.
- SP 002. You shall not use, possess, consume or distribute any ILLEGAL DRUGS, SYNTHETIC DRUGS, ALCOHOL, DRUG PARAPHERNALIA, OR DRUGS NOT PRESCRIBED TO YOU.
- SP 003. You shall not be any place or associate with persons for the use, sale, consumption or distribution of illegal drugs or alcohol.
- SP 004. You shall have an ignition interlock device (IID) installed on any motor vehicle that is owned/registered/operated by you and you shall not operate any motor vehicle that does not have an ignition interlock device (IID) installed.
- SP 005. You shall have NO VIOLENT contact with Susan Prouty.
- SP 006. You shall not reside with or stay over night at, Susan Prouty's residence.

I have reviewed and explained these rules to the offender.

I have received a copy of these rules.

Immi Baker 5.16.18
 Agent Signature Date

Refused to Sign 5.16.18
 Offender Signature Date

K

Kate Johnson 5/16/18

DHA-6(R02/97)

State of Wisconsin
DIVISION OF HEARINGS AND APPEALS



Scott Prouty
121918-474076
Waukesha County Jail
515 West Moreland Blvd
Waukesha, WI 53186-2428

APPEAL DECISION

RE: The Appeal filed in your Extended Supervision case

After review of this appeal pursuant to Wis. Stats. § 301.035, the Decision and Order of the Administrative Law Judge (ALJ) is:

Sustained

for the following reasons:

On appeal, in a *pro se* submission, Scott Prouty lodges several complaints. Additionally, Prouty's attorney filed an appeal on Prouty's behalf requesting consideration of several other arguments raised by Prouty. However, none of Prouty's complaints or arguments persuade me to change the decision.

Prouty complains about a preliminary hearing before the DOC. However, the Division of Hearings and Appeals (DHA) is not the appropriate forum for Prouty's complaints about the preliminary hearing held by the DOC. Additionally, Prouty does not dispute that he was notified on November 30, 2018, of a December 12, 2018 preliminary hearing, that Prouty refused to accompany correctional staff to the hearing, that he was represented at the hearing by an attorney, and that Agent Bethany King reviewed the revocation packet and determined there was probable cause that Prouty engaged in at least one of the allegations. (Exh. 3 at 2, Exh. 4 at 10.) Thus, it appears that the DOC complied with the legal requirements related to such hearings. Wis. Admin. Code § DOC 331.05. Therefore, his arguments are not persuasive.

Prouty asserts that he was not allowed to be present at his final revocation hearing to exercise his rights. However, Prouty ignores the fact that he became disruptive, was warned that his conduct would result in his removal from the hearing, yet he persisted and was removed from the hearing. Under these facts, Prouty's misbehavior constitutes a waiver of his right to be present and to participate in the hearing. *State v. Washington*, 379 Wis. 2d 58 (2018).

Prouty objects to a defense lawyer representing him during the revocation hearing after Prouty claims to have fired the attorney. However, on the record at the hearing and in his attorney's appeal submission, the attorney reported that Prouty asked him to stay on and finish the hearing in Prouty's absence. (Hearing Record Track 2 at 00:01 – 00:24; Attorney Mark Kershek's May 10,

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2019, Appeal Submission.) Prouty has the right to the assistance of counsel in a revocation hearing. Wis. Admin. Code § HA 2.05(3)(f). Additionally, as previously noted, Prouty waived his right to be present at the hearing and to participate in the hearing by his own disruptive conduct. With these facts, he cannot claim that his rights were harmed by the fact that he was represented by an attorney at the hearing.

Next, Prouty asserts that his attorney was ineffective. However, such claims are not reviewable in this context. *State v. Ramey*, 121 Wis. 2d 177, 178 (Wis. Ct. App. 1984); *State ex rel. Vanderbeke v. Endicott*, 210 Wis. 2d 502, 522 (Wis. 1997).

Prouty's attorney argues that the absence of visible injury and the fact that Prouty's victim (his mother – Susan Prouty) has a history of alcohol abuse should have weighed against her credibility. However, Prouty's observations carry no weight. His mother's testimony was credible, compelling, and corroborated by the physical evidence. She testified that Prouty tackled her from behind, took her down on the kitchen floor, he grabbed her head and cranked it from side to side and occasionally banged it against the floor; she feared that Prouty was going to break her neck. He then dragged her down the hallway to a back bedroom and ordered her to stay in that room. She noticed that her pictures in the hallway were strewn on the floor. She experienced a significant amount of pain to her neck as a result of Prouty's assault and she now has less functionality in the use of her neck. (Hearing Record Track 4 at 1:30 – 6:46.) Additionally, she testified that she had not consumed alcohol on the day of the attack. (Hearing Record Track 4 at 14:43 – 14:46.) And her testimony was consistent with what was reported by Officer Casey Kenealy. Officer Kenealy testified that he responded to the scene, he noted that the victim was visibly upset, she appeared to be suffering from neck pain, he saw the picture frames that had fallen to the floor from when Prouty threw his mother into a wall in the hallway, and Prouty's mother showed no signs of intoxication. (Hearing Record Track 5 at 00:35 – 3:13, 12:50 – 13:00.) Based on the evidence, Prouty's arguments are unpersuasive.

NO PHYSICAL EVIDENCE EVER PRESENT

Prouty's attorney submit several additional arguments on behalf of Mr. Prouty.

Prouty objects to his hearing being held beyond 50 days from the date of his detention. However, a review of the hearing history reveals that Prouty caused repeated delays by firing multiple attorneys. Furthermore, one of his attorneys requested additional time to prepare for the hearing, which caused another delay. Therefore, Prouty's complaint about the delay in his hearing is not persuasive.

Prouty argues that a warrant for his arrest was defective and he was detained without proper foundation. However, the review of the legal sufficiency of an arrest warrant is beyond the scope of the decisions made in revocation proceedings. Wis. Admin. Code § HA 2.05(7).

Prouty asserts that he was denied an attorney at the time of his interview by his agent. However, there is no right to counsel as a condition precedent to answering his agent's questions. Therefore, this argument is not persuasive.

Prouty also asserts that any statements that he may have made to the DOC should be excluded because he should have been read his Miranda rights. However, Miranda rights are not required in such interviews. Instead, the DOC must inform the supervisee that the statement is immunized from direct use and derivative use in the criminal context. *State ex rel. Douglas v. Hayes*, 365 Wis. 2d 497 (Wis. Ct. App. 2015). More importantly, evidence gathered in violation of the law may be admitted as evidence in a revocation hearing. Wis. Admin. Code § HA 2.05(6)(c). Therefore, the argument is not persuasive.

24

14

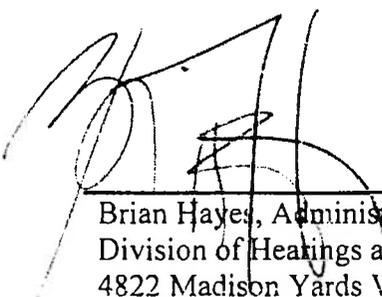
Prouty asserts that he did not sign rules of supervision and, as a result, is not bound by the rules. However, the court ordered a term of initial confinement followed by a term of extended supervision. Furthermore, Wis. Admin. Code § DOC 328.04 sets out the standard rules of supervision. And Prouty cannot avoid those requirements by failing to sign his rules of supervision. See *State ex rel. Rodriguez v. Department of Health and Social Services*, 133 Wis. 2d 47, 52 (1986) ("even without a written agreement, Rodriguez still had to abide, as a matter of law, with departmental regulations.").

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Prouty was convicted in Case No. 05CF1445 of two counts of Injury by Intoxicated Use of a Vehicle. On March 19, 2007 the court sentenced him to an imposed and stayed concurrent terms of three years of initial confinement followed by five years of extended supervision and placed him probation. His intervening conduct has been poor. Probation was revoked on November 9, 2016, because Prouty violated a no contact order with his mother and failed to report for supervision. (Exh. 3 at 3.) Prior to his release to supervision, he refused to sign the rules of supervision. (Exh. 3 at 4.) He was later released to the most recent term of community supervision on May 8, 2018. Immediately after his release he continued to violate the no contact provision without his agent's knowledge. Since the agent did not know about it, the agent modified the rule to no violent contact. When confronted about the hidden no-contact violations, Prouty said that it did not matter and it was water under the bridge. (Exh. 3 at 4.) Subsequently, Prouty engaged in the current violations: physical assault of Ms. Susan Prouty, leaving the State of Wisconsin without a travel permit, theft of money and a credit card belonging to Susan Prouty, and refusal to provide his agent with a statement.

Prouty's violations display both criminal behavior and rejection of the requirements of his conditional liberty. He evinces a disrespect for supervision and a danger to the public. Revocation and confinement for four years, nine months, and 20 days are needed to protect the public from the risk of further crime and to prevent the undue depreciation of the seriousness of the violations. The decision is sustained.

Date 06/05/19



Brian Hayes, Administrator
Division of Hearings and Appeals
4822 Madison Yards Way, 5th Floor
Madison, WI 53705-5400
(608) 266-7709 Fax (608) 264-9885

cc: CRU
Agent Melissa Flack
Attorney Mark Kershek

EXHIBIT

(B)

Revocation of power of attorney, notes
3 legal instruments

Case 2005CA445
Revocation Power of Attorney

Dates	2018 - 11/8	advised
	2019 - 1/9	Revocation testimony
	2019 - 5-1	Revoked by Andrew J. Ruedmeir aka?

By: [Signature] 2019-1-2

2

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State of Wisconsin

12

Beat 100576

Case 20091445

Re: 100576

Re: 100576

Summary

- Beat 100576 petition received on 10/05/2018
- Petition admitted 10/16/2018
- Petition extended to 11/20/2018 - 11/25/2018
- Petition refiled illegally, again, 11/24/2018
- Petition withdrawn Council said
- Petition released previous day 12/13/2018 A.D.
- Petition preliminary hearing 12/14/2018
- Hearing not rescheduled was said 12/12/2018
(Petition refused to attend)
asked for New Hearing & Council
- Petition scheduled for Final Resolution 12/18/2018
after refusal of New preliminary hearing, after the attorney paid released
Public Gallery, attended hearing illegally
and commented on case that was pending
- No response to requests for oral hearing (3) 12/17/18
and appointment of new Council (6)

Contents

Investigating Council / Council released p 6-4
of Affidavit

Attendance to Public Argument #2 p. 5-6

Attendance to Public Argument #3 5/6-7

3

1084

12

State of wis.

vs.

Scott Kientz
Boyle 1100576

OSCF1445 Rev/Inv.

12/16/2018

Mitigating Factors - Alibi

- 1) I deny all allegations of the violations of #1's 1 and 3. Retained Card from Cutting Lawn, gas.
- 2) Prouly was seeking work and obtained a job offer out of state unaware he needed a travel permit; in regards to allegation #2
- 3) I did provide the p.o. Melissa Fleck with a statement but did not sign the statement, as I did not have an attorney with me nor had I been read miranda warnings when detained. She was asking for waiver of Rev ^{hearings} and 4 years, more months time incarcerated.

Legal Factors - Alibi

See pg 4

1) you detained me without a court ordered warrant. you had allegedly a "Probation warrant" dated Oct 15th, 2018, electronically signed by Diane L. Laxar, DOC Regional Chief?, although Sally Jess was the regional chief for District 7. I had also checked both voice mail and computer e-mail up until losing phone around 25th of Oct.; no messages from P.O. office. I am illegally

majority of the way allegations are unconstitutional, a failure of due process, when I am detained and incarcerated. This is a 5th and 14th amendment violation. There are statutes dealing with contract law in Wisconsin that also outline the procedure and acceptance of a valid contract that specify that a signature is required on a written contract such as, WC-10. There is no signature in this instance or agreement with the Department of Corrections.

2/15/19
 2/15/19
 2/15/19

3) I was "detained and booked at 3 different county jails without having been provided a "Miranda" or "Rights of Accused Statement," nor did the arresting party provide such a warning; this is a 5th Amendment violation and a 14th Amendment violation.

4) My Parole Agent Melissa Flack denied me the right to an attorney during her initial interview on the 30th of Nov. and again on the 4th of Dec. saying "I have not been charged with anything, I am just interviewing you;" but later stated on the 30th she planned to revoke me. This is both a 5th and 6th constitutional amendment; as well as 14th amendment violation.

307

13

6) The State, Waukesha County Courthouse and Jail, failed administratively to follow the rules related to preliminary hearings, per DC Chapter 331, see ~~331~~ 331.05(4); ~~331~~ 331.05(5); ~~331~~ 331.05(8) -

a) I had made a request of Pablo Galaniz, P.D. attorney, he refused to pursue it; I released him on 12/12/2018 @ 9:00 A.M. by Televisit. In addition he did not have for me to sign a contract for attorney client privileges, subsequently he never represented me, although I requested counsel prior to any talks with the Dept of Corrections. This violates 331.05(5) the Qualified right to an attorney.

He further (Pablo) creates a Due Process disaster by showing up for a hearing falsely representing me. ^{Further notes}

b) The State failed the Time and Place clause of 331.05(4). They notified me of a prelim hearing on the 30th of Nov and scheduled the hearing for the 12th, violating the 5 day rule for notice. The State then cancelled the hearing of 12/12/2018 at 11:00 A.M. No new notice was forwarded to me written or verbal. At 2:05 p.m on 12/12/2018 the jailer informed me I had a hearing; not knowing what it was I went with

4079

Subsequently my substantive rights have been affected as the State Waukesha County Court House and Jail, ^{protection office, et al,} have significantly deviated from Administrative Rules of the State, and Constitutional Rights of the United States causing an unfair proceeding and demonstrating through out this process that they have created a suspect class in dealing with me a homeless and unemployed individual, seeking work, in a gross misusage of my rights as a United States Citizen; which should be protected by ~~the~~ ^{rights} 5th, 6th, and 14th Amendments of the U.S. Constitution.

I should be released on signature bail while the State evaluates their position of my revocation based on hearsay, false statements by Mrs Flack, and a job search and job offer.

Regards,

Scott Pucy
at moment Pro Se, seeking Counsel
12/16/2018

State of wis

vs.

Scott Prentky

2005CF1445
Rev/Enr

Addendum to
Hesi #2 Agreement
12/20/2018

HR# 2

"A Plea Agreement is a contract before the law; and Contract Law Principles are drawn upon to interpret an agreement." See State v. Toliver, 187 Wis. 2d 345, 523 N.W. 2d 113

(1994) a contract is a granting of authority during a document, DOC-10; seeking a persons signature to enter into an agreement, post confinement time, after release in many cases of a plea agreement (a contract) is to comparative or exact to a contract. DOC-10, Rules of Supervision is a contract for discretionary terms ^{during} release from confinement. I did not agree to the terms.

In this instance I did not sign the contract, DOC-10, when released in 2018. For all court filings a signature is required, either electronic or otherwise per Chpt 801, et al. Being DOC-10 is a contract a written signature should be required or an agreed on electronic signature. There is no signature on Prentky's Rules of Supervision as acceptance to this contract. There is no contract or agreement in effect. If this were pertaining to a sale of commercial goods this would be an unconscionable contract or clause. Beside having no signature, the court as a matter of law ^{must} find the contract or any clause to

Handwritten initials and date: 12/20/18

see
DK
1/2/2023

(Prototype) release from confinement. because
there is no legally recognized contract
because of contractual ~~problems~~ insufficiencies,
and an unconscionable contract in the
conduct.

State of California
13
Scott M...
200501448

3.74
16

In a letter regarding my son's...
...taxes?
The petition was not signed...
...signature...
...I don't believe the...
...authority to...
...change my...
...the...
...a...
...any...
...with...
...and...
...and not...
...I was...
...with...
...my...
...a...
...a...
...a...
...social...
...1875...
...all...
...This...
...constitution...
...of my...

Handwritten notes:
...
...

Handwritten notes:
...
...

she asked me to attend for 9 days...
 she asked me to attend preliminary
 hearing, saying "you don't have
 everyone there?" she asked for a hold
 with me held - because I am poor and
 she said she didn't want me to be
 from my parents insurance. This is illegal
 treatment under the 14th Amendment
 Today I have had 3 bail hearings
 and have pleaded 9 times. She please
 ask me with the 14th Amendment
 and I am allowed back hearing; but
 been paid on an alleged ~~to~~ under
 violation under the law. This may be
 an 8th Amendment violation - no bail
 hearing being held when a bail hearing
 was (the state wants to pay for it).

Have had
 3 bail hearings
 to the
 state
 I am
 allowed
 back
 hearing;
 but
 been
 paid
 on an
 alleged
 to
 under
 violation
 under
 the
 law.
 This
 may
 be
 an
 8th
 Amendment
 violation
 - no
 bail
 hearing
 being
 held
 when
 a
 bail
 hearing
 was
 (the
 state
 wants
 to
 pay
 for
 it).
 Bail
 Hearings
 Held
 June 21, 2019

the Supplement
 to Supplement to Supplement on
 procedure; the state has scheduled a
 hearing through the independent office of
 the Dept of Health and Human Services
 Milwaukee Wisconsin, 819 North 4th St
 Room 92, Brian Hayes - Administration,
 for 50 days from my release on
 November 8, 2018; see HA 2.05, general
 removal hearing (4) Time.

I am from MS and want to go before

174

State of Ohio
vs
JAMES FICKES

2019-1-2 1

Memorandum

A. Material of proceeding should be issued
Penny should be released from PC
hold, allowed symple trial and
released pending arraignment
On APR or sentence may be suitable.
I have reviewed all ¹⁵⁰⁰⁰⁰ ~~matter~~ at this
point.

L. G. ...

Scott Perryman
2019-1-2