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IN THE WISCONSIN SUPREME COURT

STATE OF WISCONSIN
Plaintiff-Respondent,

Statement in Support of
Petition for Review
§ 808.10 and § 809.62(2)&(4)

V.

2010AP1050-CR
Circuit Case No. 09 CF 48

KENNETH LEROY DRIESSEN
Defendant-Appellant-Petitioner

PETITION FOR REVIEW AND APPENDIX

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§ 809.62(2)(a) Statement: Petitioner Driessen, seeks review of District III Appeals Court March 22, 2011 Per Curiam affirming Sawyer County Circuit Court Case number 09CF48. (1) Whereas Driessen seeks review of his claim that systematic violations of Driessen's Wisconsin Article 1: §3, §4 §5, §6, §7, §8, §9, §21 and US 5th and 6th Amendment constitutional rights to due process occurred during the proceedings thus far. (2) Further Driessen begs Supreme Court to review the facts and law concerning his claim(s) that his Wisconsin Article 1, §11 and US Constitutional 4th Amendment right to be protected from unreasonable search and seizure were violated before and during his arrest on March 28, 2009.

(3) In addition, Driessen filed a timely Notice of Claim of Unconstitutionality and Petition for Declaratory Judgment in the Circuit Court concerning the constitutionality of the current variety of laws pertaining to marijuana(THC) possession in Wisconsin; those said

pleadings, required by statue to proceeded through process, trials and tribulations occurring, now arriving at the doors of this Supreme Court of jurisdiction and authority to answer questions of constitutionality to establish precedence where Driessen wishes for the Honorable Justices of the Wisconsin Supreme Court to answer this question: Do current Wisconsin marijuana(THC) possession Statutes and penalties violate any of Driessen's Wisconsin Constitution Article 1: §1, §6, §12, §18, §19, 25, §26, and US Constitution Article 1 §9 & 1st, 8th, and 14th Amendments rights being among those guaranteed to each and every citizen?

Table of Contents 809.62(2)(b):

CRITERIA RELIED UPON FOR REVIEW (809.62(2)(c) Criteria)

Criteria(A), in relation to Statement No. (1): Does the Circuit Court's refusal to supply transcripts on appeal to a defendant free of charge, in a criminal case, where said defendant was found indigent, conflict with established statutes and precedence, therefore consist of a violation of Driessen's due process rights? See: Case Record entries 44, 45 and 57, Appellant's Brief page 23, Reply Brief pages 8 -9, State v. O'Brien,223 Wis. 2d 303, 588 N.W. 2d 8 (1999) and State v. Oswald, WI App 3, 232 Wis. 2d 103, 606 N.W. 2d 238, 97-1219 Does this question meet the criteria for review under §809.62(1r)(a), (b), (c) &/or (d)?

Criteria(B), related to Statement No. (1)&(2): Are there enough occurrences of false information, in the original Complainant (rec 3), the quashing of the original complaint (amended rec 14), the arresting Deputy's Incident Report, being suspect of false witness, when weighed against discovery, evidence exhibited in the record (rec 25)and referenced in Appellant's Brief pages 8-16 ; for an honest competent jurist to determine that such fallacy and malicious tactics are in fact violations of Driessen's 4th Amendment right against unreasonable search & seizure and 6th Amendment Due Process rights? See: State v. Mann, 123 Wis 2nd 375, 367 N.W. 2d 209 (1985) Does this question meet the criteria for review under §809.62(1r) (a) & (d)?

Criteria(C), related to Statement No. (1)&(2): At what point does the District III Appeals Court Pre Curiam containing a condensed, paraphrased version leaving out portions of Deputy Knapp's incident report (rec 3 pgs 3-7) to favor the State when the honesty of that report has been disputed becomes false conjecture in itself? Driessen utilized the report of a second law enforcement officer State Trooper Deb Lewis (rec 25, exhibit 100-2 and rec 30 1-3) on the scene along with photographic and audiovisual recordings (rec 30 pg 4, rec 25 exhibit 3, rec 66-1

and rec 67-1) of the scene with supporting case law in his Appellant's Brief and Reply Brief to back his allegations of wrongdoing by Deputy Knapp; the Appeals Court ignored all of this. See United States V. Bagley, 473 U. S. 667 (1985). Is such word and action by the District III Appeals Court therefore contrary to well settled principles and controlling Court opinions under §809.62(1r) (a), (d)?

Criteria(D), related to Statement No. (1)&(2): There are photos (rec 30 pg 4) and CD audiovisual recordings (rec 25 exhibit 3, Rec 66-1 and rec 67-1) that were submitted to the Circuit Court in support of this petitioner's claim that Deputy Knapp's Incident Report contained false statements concerning probable cause. That CD/DVD evidence is obviously, unmistakably part of the record even by District III's own order of 08-12-2010. Since the District III Court not only ignored this evidence but also spun a few words concerning Driessen making much of this evidence publicly available on the Internet to act as if no such audiovisual recordings are parts of the record (Per Curiam pg 2). Do the words and the actions of the District III Appeals Court concerning the CD/DVD evidence amount to what a person of average intelligence would consider misleading in the District III Per Curiam? See: Brady V. Maryland, 373 U.S. 89 (1964). Do those words and actions concerning this evidence amount to a decision that conflicts with controlling opinions under §809.62(1r) (a) &(d)?

Criteria(E), in relation to Statement (3): Concerning the burden of demonstrating sincerely held religious belief; the appeals court Per Curiam falsely stated, *"he merely states in his brief that he believe[s] cannabis use to be an important part of [his] religious and spiritual experiences"* as being the only explanation Driessen gave of his religion. So is the Appeals Court refusal to acknowledge Driessen's stated his shamanistic spiritual beliefs as defined within the Circuit Court Declaratory Judgment (rec 27) pleading as referred to in his Appellant's Brief (pg 26 pg 3-4, 11-13), and further iterated in his Reply Brief (pgs

9-10) an error conflicting with controlling opinions, cited in Driessen's Briefs? §809.62 (a), (d)

Criteria(F), in relation to Statement (3): Since the United States government obtained a patent on Marijuana as medicine in 2003(Appellant's Brief pg 29) and 15 states now make marijuana available as medicine, since there are Wisconsin Statutes §961.41(3g) making medicinal marijuana (controlled substances) legally available to Wisconsin citizens on prescription, while contrary to such statute the Wisconsin Executive branch Medical and CSA Boards continue to forbid Wisconsin Doctors from prescribing medicinal marijuana (Appendix pg 1-4); did the Circuit Court and Appeals Court error by not allowing Driessen to use medical necessity in his defense to dismiss or acquit the marijuana and paraphernalia charges of the complaint? Does this question meet the criteria for review under any or all of the following Statutes: §809.62(a), (b), (c)(1)&(2)& (3), (e)?

Criteria(G), in relation to Statement (3): Driessen did attempt to gather and file evidence with the Appeals Court in favor of his claim concerning the diverse scheme of sanctions for possession of small amounts of marijuana including dismissal, amending of charges, ordinance violations, fines, and various jail time, and lifetime felon status; whereas the Circuit Court refused to consider such reasoning and the Appeals Court on 7-23-2010 struck the initial Appellant's Brief he filed from the record and forced him to remove any evidence he attempted to add to support such notion that for the chosen of Sawyer County; marijuana is decriminalized in Wisconsin under §59.54(25) and §59.54(25m) from his amended brief. Did the Circuit Court and Appeals Court error by not determining such a scheme resulting in Driessen becoming felon, while others are simply fined, to be exceedingly vague, arbitrary, cruel and unusual to the point of being unconstitutional? See Appellant's Brief Pages 32-33. Does this question meet the

criteria for review under any or all of the following statute sections: §809.62(a), (b), (c)(1)&(2)&(3), (d), (e)?

Criteria(H) in relation to Statement (3): Since the popularity and availability of marijuana/cannabis has reached a threshold, critical mass, where according to accepted government statistics, over 42% of US citizens have tried marijuana at least once in their lives, without the occurrence of one overdose or death attributed directly to it's use, negating any perceived serious problem or compelling interest to criminalize such personal use; are such criminal sanctions forbidding personal use and possession of marijuana/cannabis now unconstitutionally vague, arbitrary, bills of Attainder? See: (rec 27 16-17), Appellant's Brief pages 31-32 and Reply Brief pages 12-13. Does this question meet the criteria for review under any or all of the following statute sections: §809.62(a), (b), (c)(1)&(2)&(3)?

STATEMENT OF THE CASE AND FACTS § 809.62(2)(d)

Description of the nature of the case: This case begins with a roadside stop of Driessen in his vehicle on March 28, 2009. The probable cause and even the reasonable suspicion necessary for a lawful road stop, as well as the truthfulness of the arresting officer have been in question by Driessen from the moment he was stopped and arrested by an officer that stated he recognized and knew Driessen prior to stopping him. Driessen was charged with felony marijuana possession of .36ths of a gram, drug paraphernalia possession and Driving while under the influence. Driessen asked for a copy of the complaint and found that it had been on record that his driver's license was revoked when he was stopped on March 28, 2009 when he in fact had a valid Driver's license. Driessen filed several pleadings pertaining to unreasonable search and seizure; believing that Deputy Knapp was after Driessen because of his political views, see Record Entry 25, page 7.

Driessen filed a claim of unconstitutionality in the Circuit Court concerning the Scheme of Marijuana (THC) possession laws in Wisconsin. Driessen requested an evidentiary hearing concerning probable cause and truthfulness of the arresting officer where Judge Eaton decided against Driessen in spite of a state trooper report corroborating Driessen's allegations of false reporting, see Record item 3 pages 3-7 and compare to Record 30 1-4. Driessen also filed a Petition for order of Declaratory Judgment in the Circuit Court (rec 27) asking the Court to declare the current diverse scheme of criminal sanctions concerning possession of personal amounts of marijuana unconstitutional, Judge Eaton was happy to ignore the facts presented and side with the police state. A jury trail; where the judge, not the jury, decides law and probable cause, later a post conviction relief hearing took place; Judge Robert Eaton presiding and predictably siding with the police state on every issue presented (Appellant's Brief pg 24). **Procedural status and disposition:** Driessen was found guilty on November 13, 2009, a notice of appeal was filed on 11-25-2009 and fee paid 12-03-2009 (2009AP002988) and Driessen was sentenced by Judge Eaton on January 8, 2010 a post conviction motion was heard by Judge Eaton on April 9, 2010 all in favor of the police state. A second notice of appeal was filed by Driessen on 04-26-2010 and permission to proceed without fee was granted April 28, 2010. All Briefs were filed and Submitted to the District III Appeals Court 01-25-2011. The Per Curiam Decision affirming the Circuit Court rulings on March 22, 2011. A document entitled Motion for Rehearing and Motion/Petition/Plea for Bypass was accepted by the Wisconsin Supreme Court as a timely Petition for Review on March 29, 2011. On that Day the Supreme Court also asked Petitioner Driessen for a statement in support of the petition to be filed by April 28, 2011 if it is to be filed; this being that document. **Facts not included in the District III Appeals Court decision:** The Appeals Court failed to address the issue of the Circuit Court demanding a $1000 down payment for transcripts from an appellant in a criminal case determined to be indigent, see: Case Record entries 42, 44, 45 & 57, Appellant's Brief page 23,

Reply Brief pages 8 -9. Their decisions never mentioned the original complaint stating Driessen did not possess a valid driver's license at the time of the stop, which is false probable cause because he did have a valid license in his possession on March 28, 2009, see Record 3 page 2, Record 10 page 1, Appeallant's Brief page 8. The Appeals Court Decision never mentioned that besides Driessen's version of the incident, there is an alternative State Trooper Deb Lewis version to Deputy Knapp's Incident Report, see record entry 25, exhibit 100-2 and record 30 1-3. The District III Appeals Court, never mentioned the photos and video recordings of the incident scene or of Driessen testing himself with a breathalyzer to determine his coordination at a blood alcohol level he was accused of being at on the morning of March 28, 2009 when he was stopped and arrested, see record item 25 exhibit 3, Record item 66-1 and record item 67-1, or the public accessible videos at the Internet addresses listed in the Briefs. The Appeals Court did not fully consider that contrary to executive branch policy and administrative actions, marijuana is prescribe-able under §961.41(3g) and decriminalized by statute §59.54(25 and §59.54(25m). They ignored Driessen's explanation of his religious beliefs in his Petition for Declaratory Judgment (rec 27 1-19) submitted to the Circuit Court, further, they ignored references to that pleading in his Appellant's Brief page 26 and, his Reply Brief also contains references to the foresaid Petition and further explanation of Driessen's belief that nature rather than an anthropomorphic patriarchal god is his higher power etc. on pages 9 -10 of the Reply Brief.

Argument § 809.62(2)(e)

It is a rational and well-documented notion for Driessen to believe a large portion individuals in every branch of our government(s) are guided by extra-constitutional ideological motives and are directed by their allegiance to a "closed society, a monolithic ruthless conspiracy that relies on covet means". This notion is not some theory invented by a fringe lunatic, but by President John F. Kennedy before he met the fate of the magic bullet. They seem affixed upon a Mammon, money god; subscribing to a hierarchal philosophy that results in making a few people extremely wealthy while the rest of us are to be treated as chattel. Arguing with such people using social, biological, and scientific facts based on scientific statistical research supplied by the United States government itself; to then apply these facts to valid constitutional principles is pointless; much less arguing on the grounds of honesty, decency, respect, compassion and love for our fellow humans.

We cannot expect to influence a person's mind and actions when they are intent on acting blind, deaf, dumb and without feeling sacrificing humanity to uphold allegiance to a police state subculture at any moral, humane cost necessary. One word nor a million words will make a bit of difference. Driessen knowing this to be true from experience is attempting to limit the argument portion of this Statement in Support of Petition for Review to a few points of fact and law addressing specific assertions in the Court of Appeals District III Per Curiam, which he believes to be baseless and false. Other than those instances, Driessen's argument relies on the facts, statutes and case law cited in the content of his Circuit Court pleadings, within his Appellant's Brief and Reply Brief previously submitted to the Wisconsin Court system. If the Supreme Court does in fact choose to review this 2010AP001050 Appeal and Sawyer County Circuit Court Case Number 2009CR0048, I doubt they would expect the petitioner to repeat the

facts and points of law within the pleadings redundantly here when they can read (review) the original documents:

Concerning Statement (1) Criteria (A), indigency and Circuit Court's refusal to supply transcripts and Appeals Court automatically siding with the State without transcripts: Upon filing an indigency status document with the court in case 2009AP002988 - CR, on 12-23-2009 the Supreme Court: grants permission to proceed without filing fee (rec. 42); then eventually sided with the Appeals Court decision to deny that appeal for lack of jurisdiction. After a kangaroo railroad experience, Driessen again filed a notice of appeal along with an indigency status form in this second appeal and on 4-28-10 and the Appeals Court granted permission for Driessen to proceed without payment of filing fee (rec. 57). Appellant's Brief page 23 cites record 59 and letter for court reporter, Appellant's Brief Appendix 28, as proof that Driessen was determined to be indigent and his request for transcripts was denied in lieu of a $1000 down payment. The State never filed any paper to question Driessen's indigent status as required by §809.30(d) indigency redetermination to block Driessen's right to a public defender and to request transcripts. Wisconsin constitution article 1 §7 Driessen has a right to be heard by himself, in choosing that right, in this case, he, an indigent defendant was forced to give up access to transcripts that § 809.30(2)(c), §809.30(2)(e) would give him access to through a public defender. So the Circuit Court denied Driessen access to the transcripts and without the transcripts the Appeals Court by case law automatically sided with the Circuit Court. The only question now is will the Supreme Court act like yet another arm of a police state and crook Driessen or not? See: State v. O'Brien,223 Wis. 2d 303, 588 N.W. 2d 8 (1999) and State v. Oswald, WI App 3, 232 Wis. 2d 103, 606 N.W. 2d 238, 97-1219 two cases that pretty well back the statutes in the fact that Driessen has a right to the transcripts on appeal as an indigent defendant.

Concerning Statement (1) and (2) Criteria (B), (C), (D) relating to Per Curiam Paragraphs 2, false information as probable cause and the quashing, turning a blind eye thereof: From Driessen's initial pleadings as well as Deputy Knapp's (rec.3 pg 4, par 5) and Trooper Deb Lewis's (rec. 30 pg 3, par 2) reports, Driessen questioned why he was stopped in the first place on March 28, 2009. Sure enough days later when he gets a copy of the complaint (rec 3 pg 2) under "Probable Cause", states that Driessen was revoked, which is false, Driessen had a valid Driver's license since February 9th of that year. When Driessen confronted Assistant DA Bruce Poquette with the false probable cause, Judge Eaton, considering himself part of law enforcement, was more than happy to conceal the false information when the DA's office withdrew the original and filed an amended complaint (rec. 14). Why is this important? Because after communicating with the radio dispatch (rec 25, rec 66-1, 67-1), Deputy Knapp figured he knew Driessen, a known war protester, marijuana legalization activist who he believes is driving with license revoked and that is why he pulled Driessen over only after he was certain it was in fact Driessen, see selective prosecution United States v. Gutierrez, 990 F.2d 472, 475 (9th Cir. 1993) impermissible.

Because of the false revocation status record Deputy Knapp believed he could walk right up to Driessen's truck order Driessen out and start frisking him and reaching his perverted hand into Driessen's pants pocket and grabbing a small container out of Driessen's pocket, like Trooper Lewis's report says Deputy Knapp did. That is why he had to make up the story that he saw Driessen driving completely in the oncoming lane when Deputy Lewis's report states she did not see Driessen's car in the other lane. Driessen admits that while Trooper Deb Lewis's report reads a bit like "mizaru, kikazaru, iwazaru" all wrapped into one, yet she was driving a car and should certainly have been able to see a truck driving in the oncoming lane if it in fact was. If the pocket pool hand jive episode including hand to hand combat and Driessen handing the contraband to him on page two of Deputy Knapp's Incident report of March 28, 2009 (rec 3 pg 4) were

true, would not have Trooper Lewis have noted that instead of, writing that "Deputy Knapp had removed a small glass container from Driessen's pants pocket"?

Driessen submitted both photos of the scene of the incident and a CD containing and audio/visual recording of the scene. The high speed chase scene like scenario in Deputy Knapp's report could not have occurred in the distance between the landmarks of the scene he describes, from the Lenroot Town Hall around a sharp down hill corner to the hill just past Jim's Bait Shop, (rec 3 pg 3).

Why would a deputy in a small town with pretty decent pay and benefits write a false police report? Because he knows all too dam well from experience that district attorneys and judges will stand by him and repeat his fallacy and hold it against the defendant as if it was unquestionable truth. It does not even matter if a Trooper's report differs from their own; if a defendant tries to use one law officer's report against another's they know they can raise their hand and swear, get up on the witness stand and lie against their own words; there is nothing a defendant can do about it. This police state mentality goes from law enforcement right up through the Appeals Court and that explains why Driessen is seeking an honest review of his conviction in the Circuit Court and the District III Appellate Court's decision to affirm the Circuit Court's decision seeking a reversal and acquittal on 4th Amendment unreasonable search and seizure grounds from the Wisconsin Supreme Court.

Driessen cited many State and Federal cases throughout his Circuit Court pleadings and Appeal Briefs in support of his plea for relief when false statements are used as probable cause. Therefore Driessen appeals to the reasoning of the Supreme Court; when controlling opinions of the United States Supreme Court and the Wisconsin supreme court are applied to the facts presented, concerning search and seizure the District III Appeals Court decision is in conflict with those controlling opinions; relief should be granted to Petitioner Driessen.

In relation to Statement (3) Criteria (E) and Concerning the use of marijuana for religious, spiritual purposes; the State Respondent declared that the Religious Freedom Restoration Act of 1993, Pub. L. No. 103-141, 107 Stat. 1488 (Nov. 16, 1993), codified at 42 U.S.C. § 2000bb through 42 U.S.C. § 2000bb-4 (also known as RFRA) does not apply to the states. This utterance by the state, shielded by the Appeals Court does not take Department of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990) into consideration. To sum up the Smith decision(s), when peyote, a natural substance, classified as a schedule 1 drug, that on occasion has been determined to have caused overdose deaths (far more dangerous than marijuana/cannabis), can be used religiously without criminal consequences, although they did not win their unemployment claim after being fired for religious use of peyote. The interesting and applicable thing here is as a result of the Oregon v. Smith case and RFRA, there is an exemption written into Wisconsin statute §961.115 *Native American Church exemption. This chapter does not apply to the non-drug use of peyote and mescaline in the bona fide religious ceremonies of the Native American Church.* Interesting anomaly, religious use is "non-drug" use. An annotation to the statute goes on to state: *Because the exemption is based upon the unique cultural heritage of Native Americans, it is not an unconstitutional classification. State v. Peck, 143 Wis. 2d 624, 422 N.W.2d 160 (Ct. App. 1988).* The State v. Driessen Per Curiam also did not take Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418 (2006) into consideration where another Schedule 1 drug, dimethyltryptamine, is now permitted to be used for religious purposes. Well, Driessen is a European American that chooses to practice shamanism and nature worship, and that is related to a unique cultural heritage that is just as bona fide as a Native American because his ancestors were using marijuana/cannabis for at least 2700 years, see Reply Brief pages 9-11. Again, several cases cited in Driessen's briefs, such as United States v. Bauer and Guam v. Guerrero where the US Appeals Courts and the US Supreme Court have

made the distinction between growing and importing large amounts of marijuana and possession of small amounts for personal use for religious purposes. Again, in the 1988 Peck case, the charge was manufacturing controlled substances in violation of §161.41(1)(b), not simple possession of a small personal amount. Also the Appeals Court Per Curiam attempts to mislead us with a misquote of the Peck decision on Per Curiam Appendix page 4 in paragraph 10. "*We have previously held that because marijuana causes serious problems for society, there is a compelling state interest that overrides First Amendment interest in using marijuana for religious purposes.*" The correct quotes concerning compelling interest are: *expressly found that the abuse of marijuana and other controlled substances "constitutes a serious problem for society", "the abuse of controlled substances" to be "a serious problem for society."* So if the Honorable Court wants to use a decision that does not differentiate schedule 1 drugs from one another, it appears that a religious exemption to marijuana use is certainly plausible because mescaline and dimethyltryptamine, "controlled substances" can be used for religious purposes.

Further analysis of Smith, the Justices fixate and repeat the notion that the courts cannot, "permit every citizen to become a law unto himself". This, law unto oneself notion, in the case of psychoactive plant use is obviously a carry over from, "refer madness" propaganda. In other words if an individual chooses natural substances to make them feel better, to relieve pain or enlighten themselves, they will certainly rape their brother and kill their sister justifying those murderous acts because they are a law unto themselves, sure... Historically such legal theory falls to Freudian projection. The basic unit of all governments and societies is the individual; the law unto oneself doctrine was certainly used to justify the Salem Witch Massacre. In this case Driessen claims shamanism to be his religion and he worships nature. Yes, shamanistic religion tends to be atheistic and anarchistic leading to a more perfect utopian democracy, preferring or adhering to natural law, the "*laws of nature and nature's god*"(US Declaration of Independence). This

spiritual, religious, matriarchal path practiced by early Celtic Druids types is all but lost to humanity because those individuals who used the patriarchal anthropomorphic dude god to justify the authority of their mafioso street gang of the day killed anybody that was a perceived threat against their tyrannical rule. It is said that Leif Erickson and the Vikings used ergots and mushrooms containing LSD like substances to keep themselves going when they crossed the Atlantic. History is written from the perspective of the winners of wars. We will never truly know what the Norse Berserkers were all about other that they were a fierce enemy. "There being no contention that Oregon's drug law represents an attempt to regulate religious beliefs, the communication of religious beliefs". In Driessen's case he does contend that that drug laws are an attempt to not only regulate but wipe shamanism and pagan Earth nature worship from the face of the planet.

In Driessen's case before the Court he is saying that he has a First Amendment freedom to practice and freedom from society's dominant religion the right to use a natural herbal medicine, marijuana/cannabis as a shaman in training. He has said, "people have an inherent right to the control of their minds and bodies". Natural medicines are not man made pharmaceutical preparations that can be patented. Driessen agrees that the medical profession has the control of 'patented' man made medicines and the government has the authority to regulate, control and criminalize unauthorized possession of such substances even on a personal use level. Driessen agrees that commerce clause and constitutional law gives the government authority to regulate sale and distribution of both natural and patented medicines. Driessen was not charged with selling, distributing or importing large amounts of marijuana like Bauer, Guerrero and Peck where in Bauer and Guerro the Courts wrote that religious use would exempt possessors of small amounts of marijuana for personal use. In Driessen's case the government is intruding on a private individual and his personal choices with no viable rational argument that he is somehow infecting society to be held personally accountable for causing 100

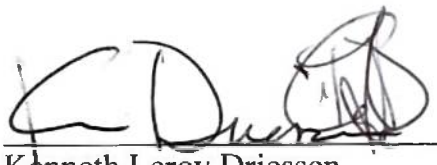
million Americans to smoke marijuana because he claims it's use to be part of his spiritual shamanistic nature worship religious experience.

In relation to Statement (3) Criteria (F) and to Per Curiam page 5 Paragraph 11: the Appeals Court itself asserts that it should be possible for a doctor to determine that a person could use marijuana for medical purposes and in fact there is such statute §961.41(3g) that allows for such use as is allowed in 15 other states. In this case the Wisconsin executive, administrative branch does not follow the codes and the law and it would not have taken much research for the good judges to find this out being the legal professionals they are. In the Appendix 9-12 of this Statement in Support of Petition for Review are copies of two emails Driessen recently received from the Wisconsin Controlled Substance Board and the Wisconsin Medical Board that support Driessen's claim to a medical necessity defense (rec 27 pg 13-15, Appl Brief 29-31, Reply Brf 11-12). Contrary to the controlling opinion Conant v. Walters, 309 F3.d 629 (2002) and Statute §961.41(3g) written by the Wisconsin Legislature; a Wisconsin doctor would be threatened with loss of their license and be subject to criminal charges for writing a prescription for marijuana or even recommending marijuana to a patient even if the patient was dying of cancer, even if they were to obtain the marijuana in a state where majority referendum made such prescription and possession legal. It would be against the Wisconsin and US constitutions and the doctrine of separate but equal branches of the government and if the Supreme Court ignores the inconsistency between legislation and administrative acts and does not rule on the unconstitutionality of the status of medicinal marijuana in Wisconsin.

In Conclusion

Although their office furnishes them with immunities from prosecution resulting from their decisions as professionals and public servants of the Judicial Branch of government; their decisions serve as moral guidelines for all facets of

human interaction. In such capacity judges are responsible when law enforcement officers, shoot the wrong person, physically abuse the accused and provide false information against the accused without being held accountable for their actions. Even if Driessen feels that corruption and abuse of authority is the norm, he still desires to live within those governmental systems hoping they can evolve into the just, rational, equally fair institutions they are meant to be. Driessen has fought the good fight with the best wording, respectfulness and effort he is capable of. In various Circuit Court pleadings and in his appeal briefs, Driessen has previously expressed why he believes relief requested there is due. Driessen now asks the Supreme Court to grant whatever relief they see fit concerning Wisconsin v. Driessen, Case number 2009CR0048, Appeal number 2010AP001050.



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