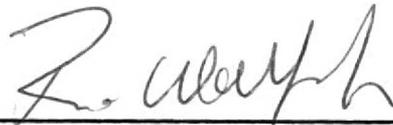


APPENDIX

CERTIFICATE OF APPENDIX

I hereby certify that I filed with this brief/petition, either as a separate document or as part of this petition, is an appendix that complies with §809.19(2)(a), and that contains: (1) a Table of Contents; (2) relevant trial court record entries; (3) the findings or opinions of the trial court; and (4) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the trial court's reasoning regarding those issues. I further certify that if the record is required by law to be confidential, the portions of the record, included in the appendix are reproduced using first names and last initials instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Dated this 3rd day of March, 2020.



RONALD W. WOLFE, JR.,
PRO SE DEFENDANT-PETITIONER.

Ronald W. Wolfe, Jr., #131124
Columbia Correctional Institution
2925 Columbia Drive
P.O. Box 900
Portage, Wisconsin 53901-0900



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DISTRICT II

September 23, 2020

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 Portage, WI 53901-0900

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

2018AP15

State of Wisconsin v. Ronald W. Wolfe (L.C. #2000CF877)

Before Neubauer, C.J., Gundrum and Davis, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Ronald W. Wolfe, pro se, appeals from an order denying his WIS. STAT. §§ 974.06 and 974.07 (2017-18)¹ motions for postconviction relief. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. For the reasons that follow, we affirm.

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

No. 2018AP15

In 2001, a jury found Wolfe guilty of first-degree intentional homicide in the stabbing death of Ronald Carter. Wolfe admitted stabbing Carter but argued that he acted in self-defense. Wolfe told police that Carter wanted a sexual relationship and came at him with a steak knife. Wolfe said he wrestled the knife from Carter and stabbed him in the neck and that, though Carter was bleeding profusely, he told Wolfe not to call for help. Wolfe said he passed out for hours, woke up to find Carter dead, and left Carter's house. On direct appeal, this court affirmed the judgment and an order denying Wolfe's postconviction motion.

After his direct appeal, Wolfe filed a *Knight*² petition and two WIS. STAT. § 974.06 motions seeking a new trial. He unsuccessfully raised numerous claims of circuit court error, ineffective assistance of counsel, and newly discovered evidence.

This appeal involves a third WIS. STAT. § 974.06 postconviction motion presenting three grounds for relief: (1) newly discovered evidence in the form of an anonymous letter received by Wolfe in 2015, along with police reports from 2001 referring to a surveillance video as well as the surveillance video itself, and screen captures from the video; (2) a *Brady*³ claim alleging that the State withheld the police reports and surveillance video; and (3) a claim that trial counsel performed ineffectively in advancing Wolfe's theory of self-defense. The circuit court held a nonevidentiary hearing and denied Wolfe's motion.

On appeal, Wolfe maintains that an anonymous letter he received in 2015 constitutes newly discovered evidence. The unsigned typewritten letter purports to be from "a friend," and

² *State v. Knight*, 168 Wis. 2d 509, 484 N.W.2d 540 (1992).

³ *Brady v. Maryland*, 373 U.S. 83 (1963) (State violates a defendant's due process right to a fair trial when it suppresses materially exculpatory evidence).

No. 2018AP15

alleges that Wolfe's cousin told the writer that he and "a black guy from Milwaukee" had entered Carter's apartment on the night of his death. Carter was naked and bleeding and Wolfe was asleep on the couch. Carter told them to leave and "the black guy pulled out an ice pick and started stabbing [Carter]." According to Wolfe, the letter proved that the "the black guy" actually killed Carter.

A defendant seeking a new trial based on newly discovered evidence must prove by clear and convincing evidence all of the following: (1) the evidence was discovered after trial, (2) "the defendant was not negligent in seeking the evidence, (3) the evidence is material to an issue in the case," and (4) the evidence is not merely cumulative. *State v. Avery*, 2013 WI 13, ¶25, 345 Wis. 2d 407, 826 N.W.2d 60. If all four factors are proven, "then it must be determined whether a reasonable probability exists that had the jury heard the newly-discovered evidence, it would have had a reasonable doubt as to the defendant's guilt." *State v. Plude*, 2008 WI 58, ¶32, 310 Wis. 2d 28, 750 N.W.2d 42. We review the circuit court's decision for an erroneous exercise of discretion. *State v. Edmunds*, 2008 WI App 33, ¶14, 308 Wis. 2d 374, 746 N.W.2d 590.

The 2015 anonymous letter does not entitle Wolfe to a new trial. First, as the State argues in its brief, the letter is patently inadmissible hearsay, and Wolfe's motion fails to explain how he would lay the foundation necessary to admit the letter over the inevitable authentication and hearsay objections at a new trial. Further, the circuit court properly exercised its discretion in determining that as unsigned hearsay, the anonymous letter lacked credibility and deserved little weight. Given its unreliability, the letter was immaterial. The court also found that the letter directly conflicted with trial evidence and statements made by Wolfe before trial and that "Mr. Wolfe's representations that this other individual was responsible for Mr. Carter's death are

No. 2018AP15

wholly speculative.” Given the uncorroborated, speculative nature of this inadmissible evidence, the circuit court properly denied relief without holding an evidentiary hearing.

Similarly, the circuit court properly denied Wolfe’s claim concerning newly discovered surveillance video evidence. Here, Wolfe asserted that police reports and surveillance videos placed him in a grocery store shortly after the murder, wearing shoes that could not have left imprints found at the crime scene. The circuit court viewed the video and screen captures and found that: “[A]s far as identifying the person, as far as identifying any other aspect of the clothing, as far as identifying anything regarding footwear, I am absolutely 100 percent convinced that there is no way anybody could reasonably do that to any level of certainty.” The video and the screen captures had “little to no value in any respect as it relates to Mr. Wolfe’s case.” The court’s findings are not clearly erroneous. As such, the video and images are immaterial. Further, as to all of Wolfe’s proffered new evidence, there is no reasonable probability that a jury, looking at both the old and the new evidence, would have a reasonable doubt regarding Wolfe’s guilt.

The circuit court also correctly concluded that Wolfe’s motion failed to sufficiently allege a *Brady* violation. To prove the State’s failure to disclose, Wolfe’s motion offered only an unsworn letter from his trial counsel saying “if you did not get a tape it’s because I didn’t get it.” We agree with the circuit court that the letter is insufficiently probative to establish nondisclosure. Further, Wolfe failed to establish in his motion or on appeal that the video and screen captures were material. Due to their poor quality, there is no reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. See *State v. Harris*, 2004 WI 64, ¶¶14-15, 272 Wis. 2d 80, 680 N.W.2d 737 (defining materiality for purposes of *Brady* analysis).

No. 2018AP15

Turning to Wolfe's ineffective assistance of counsel claims, we agree with the circuit court that they are procedurally barred. See *State v. Escalona-Naranjo*, 185 Wis. 2d 168, 181-82, 517 N.W.2d 157 (1994) (when a defendant files a WIS. STAT. § 974.06 motion after having filed a previous postconviction motion or direct appeal, the claim is barred unless the circuit court ascertains that a sufficient reason exists for the failure to raise the issue earlier). Wolfe raised ineffective assistance claims in each of his previous postconviction motions. Once again, he alleges that trial counsel failed to adequately consult with him, review discovery, and challenge evidence concerning stolen jewelry. Wolfe cannot simply recharacterize previous ineffective counsel claims in a never-ending series of attempts to obtain a new trial. See *State v. Witkowski*, 163 Wis. 2d 985, 473 N.W.2d 512 (Ct. App. 1991). To the extent Wolfe is trying to challenge trial counsel's performance as it relates to the newly discovered evidence, the allegations in his motion are too speculative and conclusory to warrant an evidentiary hearing. See *State v. Bentley*, 201 Wis. 2d 303, 309-10, 548 N.W.2d 50 (1996).

Wolfe's final claim for a new trial asks this court to exercise its statutory authority under WIS. STAT. § 752.35 to determine that the real controversy was not fully tried. We refused Wolfe's request to do so in the appeal from the denial of his last WIS. STAT. § 974.06 motion. Here, too, nothing Wolfe has presented persuades us that a new trial is warranted in the interest of justice.

Wolfe also filed a WIS. STAT. § 974.07 motion asking the circuit court to order DNA testing of an ice pick seized by police from an unknown location early in the investigation. In an attempt to imbue this old inventory with potential relevance, Wolfe's motion relies on the unsworn statements in the anonymous letter suggesting that a "black guy" stabbed Carter with an ice pick.

No. 2018AP15

On appeal, Wolfe argues that the circuit court erroneously exercised its discretion in denying his motion. We disagree. The circuit court explained at length why Wolfe's one-page motion failed to establish the statutory criteria set forth in WIS. STAT. § 974.07(7)(a) or (b). Wolfe's appellate argument on this point cites no legal authority and is patently inadequate. See *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

Finally, the State asks this court to warn Wolfe that continued litigation on claims previously litigated may subject him to sanctions under *State v. Casteel*, 2001 WI App 188, ¶¶25-26, 247 Wis. 2d 451, 634 N.W.2d 338 (where appellant filed a frivolous appeal after being warned that further frivolous litigation would result in sanctions, it was proper for this court to require that future filings be accompanied by an affidavit explaining why the appeal was not frivolous, and to refuse to accept any filing deemed to be frivolous). Given that this is Wolfe's third round of postconviction collateral attacks, we warn him that future frivolous litigation may result in sanctions, such as those imposed in *Casteel*.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals



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November 3, 2020

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

2018AP15

State of Wisconsin v. Ronald W. Wolfe (L.C. # 2000CF877)

Before Neubauer, C.J., Gundrum and Davis, JJ.

The appellant moves for reconsideration of this court's opinion and order of September 23, 2020. WIS. STAT. RULE 809.24(1). The court is not persuaded that the appellant's motion supports reconsideration. Therefore,

IT IS ORDERED that the motion for reconsideration is denied. WIS. STAT. RULE 809.24(2).

Sheila T. Reiff
Clerk of Court of Appeals

STATE OF WISCONSIN : CIRCUIT COURT : WAUKESHA COUNTY

STATE OF WISCONSIN

Plaintiff,

ORDER

-vs-

Case: 2000CF000877

RONALD W. WOLFE

Defendant.

FILED
DEC 11 2017
CIRCUIT COURT
WAUKESHA COUNTY, WI

WHEREAS, the above named defendant having filed Motions, Motion to vacate conviction, Amended Motion to vacate conviction and Motion for DNA testing, and,

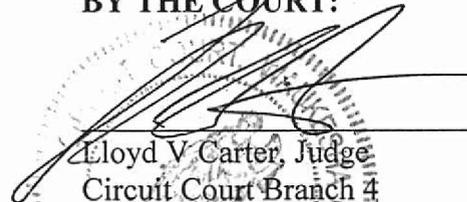
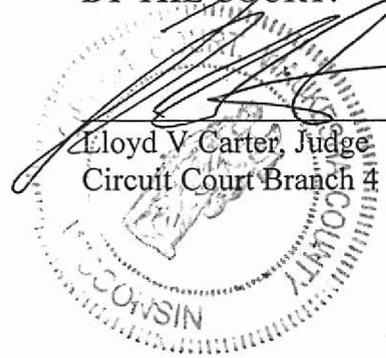
WHEREAS, the Motions having been heard by the Honorable Lloyd V. Carter, Circuit Court Branch 4, on December 8, 2017, **NOW, THEREFORE,**

IT IS ORDERED that all defendant's Motions are denied for reasons stated on the record.

THIS DECISION IS FINAL FOR PURPOSES OF APPEAL.

Dated this 11th day of December, 2017.

BY THE COURT:


Lloyd V Carter, Judge
Circuit Court Branch 4


cc: District Attorney
Defendant Ronald Wolfe

STATE OF WISCONSIN : CRIMINAL-TRAFFIC DIVISION : WAUKESHA COUNTY
CIRCUIT COURT

STATE OF WISCONSIN,

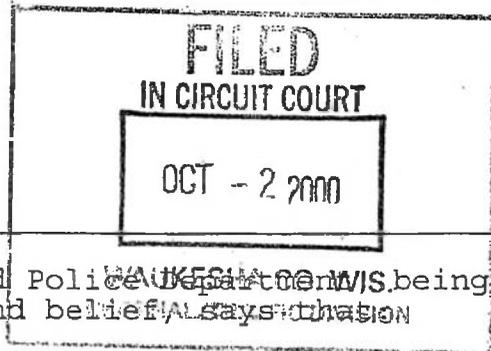
Plaintiff,

vs.

RONALD W. WOLFE, DOB: 11/23/1966
404 WEST MAIN STREET, APT. B
WAUKESHA, WI 53186
00-CF-000877- (CRIMINAL FELONY)

Defendant.

AMENDED
CRIMINAL COMPLAINT



Detective Eric Levenhagen, City of Brookfield Police Department, Waukesha County, Wis., being first duly sworn on oath, upon information and belief, says that

COUNT #1

On September 18, 2000, at 18650-D St. Andrews Lane, in the City of Brookfield, Waukesha County, Wisconsin, the defendant, Ronald W. Wolfe, did intentionally take and carry away movable property from a corpse, the property of Ronald Carter, without consent and with intent to deprive the owner permanently of possession of such property, contrary to Section 943.20 (1) (a) & (3) (d)2, Wisconsin Statutes.

And further advising the Court that the above-alleged offense is defined as a Class D felony; upon conviction of the above-alleged offense, the above-named defendant is subject to a fine of not more than \$10,000 or imprisonment of not more than ten (10) years, or both.

And further advising the Court that the said Ronald W. Wolfe has been previously convicted of the following crime: second degree sexual assault of a child, contrary to Section 948.02(2), Wisconsin Statutes, and was so convicted of the above crime in Waukesha County Case No. 93-CF-161, within the last five (5) years, excluding time in which the defendant spent in actual confinement serving a criminal sentence; which conviction remain of record and unreversed; therefore, the said defendant, Ronald W. Wolfe, constitutes a habitual criminal pursuant to Section 939.62 (2), Wisconsin Statutes, and pursuant to Section 939.62 (1)(b), Wisconsin Statutes, the defendant is subject to an additional six (6) years imprisonment as a result of his previous felony conviction above stated.

COUNT #2

On September 18, 2000, at 18650-D St. Andrews Lane, in the City of Brookfield, Waukesha County, Wisconsin, the defendant, Ronald W. Wolfe, did having been released from custody pursuant to Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond after having been charged with the following felony, to-wit: burglary, contrary to Section 943.10(1)(a), Wisconsin Statutes, in Waukesha County Circuit

Court Case No. 00-CF-496, contrary to Section 946.49 (1)(b), Wisconsin Statutes.

And further advising the Court that the above-alleged offense is defined as a Class D felony; upon conviction of the above-alleged offense, the above-named defendant is subject to a fine of not more than \$10,000 or imprisonment of not more than six (6) years, or both.

And further advising the Court that the said Ronald W. Wolfe has been previously convicted of the following crime: second degree sexual assault of a child, contrary to Section 948.02(2), Wisconsin Statutes, and was so convicted of the above crime in Waukesha County Case No. 93-CF-161, within the last five (5) years, excluding time in which the defendant spent in actual confinement serving a criminal sentence; which conviction remain of record and unreversed; therefore, the said defendant, Ronald W. Wolfe, constitutes a habitual criminal pursuant to Section 939.62 (2), Wisconsin Statutes, and pursuant to Section 939.62 (1)(b), Wisconsin Statutes, the defendant is subject to an additional six (6) years imprisonment as a result of his previous felony conviction above stated.

COUNT #3

On September 18, 2000, at 18650-D St. Andrews Lane, in the City of Brookfield, Waukesha County, Wisconsin, the defendant, Ronald W. Wolfe, did having been released from custody pursuant to Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond after having been charged with the following felony, to-wit: uttering, contrary to Section 943.38(2), Wisconsin Statutes, in Waukesha County Circuit Court Case No. 00-CF-572, contrary to Section 946.49 (1)(b), Wisconsin Statutes.

And further advising the Court that the above-alleged offense is defined as a Class D felony; upon conviction of the above-alleged offense, the above-named defendant is subject to a fine of not more than \$10,000 or imprisonment of not more than six (6) years, or both.

And further advising the Court that the said Ronald W. Wolfe has been previously convicted of the following crime: second degree sexual assault of a child, contrary to Section 948.02(2), Wisconsin Statutes, and was so convicted of the above crime in Waukesha County Case No. 93-CF-161, within the last five (5) years, excluding time in which the defendant spent in actual confinement serving a criminal sentence; which conviction remain of record and unreversed; therefore, the said defendant, Ronald W. Wolfe, constitutes a habitual criminal pursuant to Section 939.62 (2), Wisconsin Statutes, and pursuant to Section 939.62 (1)(b), Wisconsin Statutes, the defendant is subject to an additional six (6) years imprisonment as a result of his previous felony conviction above stated.

COUNT #4

On September 18, 2000, at 18650-D St. Andrews Lane, in the City of Brookfield, Waukesha County, Wisconsin, the defendant, Ronald W. Wolfe, did cause the death of another human being with intent to kill that person or another, to-wit: Ronald Carter, contrary to Section 940.01 (1), Wisconsin Statutes.

And further advising the Court that the above-alleged offense is defined as a Class A felony; upon conviction of the above-alleged offense, the above-named defendant is subject to imprisonment for life.

And further advising and informing the Court that pursuant to Section 973.014 of the Wisconsin Statutes, if the defendant is convicted of the above-alleged Class A Felony, the defendant may be eligible for parole under Section 304.06 (1) or the defendant may be eligible for parole on a date set by the Court or the Court may sentence without the possibility of parole, all pursuant to Section 973.014 of the Wisconsin Statutes.

And further advising the Court that said crime was committed while the defendant used a dangerous weapon, to-wit: a knife; therefore, the maximum term of imprisonment may be increased by not more than five (5) years, pursuant to Section 939.63 (1)(a)2, Wisconsin Statutes.

And further advising the Court that the said Ronald W. Wolfe has been previously convicted of the following crime: second degree sexual assault of a child, contrary to Section 948.02(2), Wisconsin Statutes, and was so convicted of the above crime in Waukesha County Case No. 93-CF-161, within the last five (5) years, excluding time in which the defendant spent in actual confinement serving a criminal sentence; which conviction remain of record and unreversed; therefore, the said defendant, Ronald W. Wolfe, constitutes a habitual criminal pursuant to Section 939.62 (2), Wisconsin Statutes, and pursuant to Section 939.62 (1)(c), Wisconsin Statutes, the defendant is subject to an additional ten (10) years imprisonment as a result of his previous felony conviction above stated.

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon a review of the investigative reports of Officer Pfeiffer, Detectives Mark Gralinski and Eric Levenhagen, of the City of Brookfield Police Department, whom your complainant believes to be truthful and reliable.

The reports of Officer Pfeiffer indicate that on September 18, 2000, at approximately 6:49 p.m., he was dispatched to the residence of Ronald Carter, located at 18650-D St. Andrews Lane, in the City of Brookfield, Waukesha County, Wisconsin. Officer Pfeiffer was dispatched along with an ambulance request after a report of a man down.

Upon arrival, Officer Pfeiffer observed a white male subject standing in a grassy area adjacent to the residence, waving toward the residence. This subject was identified as Perry J. Gross. Gross indicated that Ronald Carter was lying on the floor of the living room, and Gross also stated, "He doesn't look too good... I don't think he is breathing or alive." Gross further stated that he had come to the residence to check on Carter's welfare after Gross was not able to make contact with Carter.

Officer Pfeiffer immediately entered the residence and observed Ronald Carter lying on his back in the southeast corner of the family room. Officer Pfeiffer observed that Carter was not breathing and that it was apparent he was deceased. Officer Pfeiffer observed a large amount of blood on a chair adjacent to where Carter was lying.

Detective Levenhagen reports that during the course of the investigation into the death of Ronald Carter, it was determined that Ronald W. Wolfe, Jr., DOB: 11/23/66, had been staying at this residence along with Carter. On September 22, 2000, Detectives Levenhagen and Gralinski interviewed Ronald Wolfe, Jr., who was first advised of his Miranda rights and waived the same, agreeing to give a statement.

Wolfe told the detectives the history of his relationship with Carter. Wolfe stated that he had lived with Carter for a short while, but eventually did move out of Carter's residence. Wolfe advised that he and a former cell mate in the Waukesha County Jail, Kris Borchardt, had conjured up a scheme where Wolfe wrote a letter to Carter, requesting that Carter bail Wolfe out of jail and in exchange Wolfe would agree to be friends with Carter and establish a relationship with him. Wolfe stated this is how he met Carter and that Kris Borchardt knew Carter prior to Borchardt's incarceration. Wolfe admitted to being involved in homosexual acts with Carter. Wolfe stated that Carter requested frequently that Wolfe participate in different types of sexual acts and Wolfe stated that he eventually got sick of all of the advances that Carter was making on him, and that is one of the reasons that caused Wolfe to move out. Wolfe stated that while he was living with Carter, they both typically slept in the same bed.

Wolfe further advised that on Sunday, September 17, 2000, he was at his father's house earlier in the day and watched a football game. He stated that sometime later, around dinner time, he and his friend, Tony Jansen, went to Milwaukee to buy and smoke crack cocaine. Wolfe stated that he and Tony got pretty high and that Tony eventually drove him back to his father's house and dropped him off there sometime late that evening.

Wolfe further stated that sometime around 2:00 or 2:30 a.m., on September 18, 2000, he telephoned Ron Carter from his dad's residence. Wolfe asked Carter to drive him back to the crack house in Milwaukee to see if Tony was there. Carter agreed to come and get Wolfe and arrived at Wolfe's father's house sometime after 2:30 a.m. Wolfe stated that after Carter picked him up, they started driving to Milwaukee and Carter told Wolfe he wanted to stop by his house to pick up some cigarettes and maybe have a drink. Wolfe agreed to this.

Detective Gralinski reports that, at this point in the interview, Wolfe stopped talking, lowered his head, and became teary eyed. Wolfe stated several times, "This is fucked up," and eventually requested a cigarette break. Detective Gralinski and Detective Levenhagen escorted Wolfe to the sallyport area of the Brookfield Police Department for Wolfe to smoke a cigarette. They continued talking and Detective Gralinski asked Wolfe what had happened at Carter's residence on the morning of September 18, 2000. Wolfe was quiet for sometime and then eventually stated, "I killed him," and hung his head and leaned against the wall. Detective Levenhagen then asked Wolfe, "You stabbed him, right?" Wolfe responded, "Yes." Detective Levenhagen then asked Wolfe how many times he had stabbed him, and Wolfe responded, "I don't know." Detective Levenhagen asked Wolfe if he stabbed Carter more than once, and Wolfe dropped his head and stated, "Yes." Wolfe then told the detectives a full description of what had happened.

Wolfe explained that, as he had stated previously, Carter had come to Wolfe's father's house and picked up Wolfe with the intention of going to Milwaukee. On the way, they returned to Carter's residence sometime after 2:30 a.m. on September 18, 2000. Wolfe stated that Carter began making some drinks for them, and that they sat around for about one and one-half (1-1/2) to two (2) hours and "partied." Wolfe stated that between 4:30 and 5:30 a.m., he went to bed. Wolfe stated that he was laying in Carter's bed, fully dressed, and trying to sleep. Wolfe stated that Carter made several sexual advances on him, and that Wolfe eventually told him to stop it. Wolfe stated that as he laid on the bed, he remembered slipping in and out of sleep and that he remembers being awoken by Carter, who was standing next to the bed partially clothed. Wolfe stated that he remembers Carter was holding a steak knife in his hand and Carter said to him, "If I can't have you, nobody else can." Wolfe then jumped up out of bed as Carter approached him with the knife. Wolfe stated that he was in a struggle with Carter and that Wolfe got control of the knife and eventually stabbed Carter several times in the neck. Wolfe stated that the incident happened fast and that after the stabbing occurred he remembered a large amount of blood on the bed and on Wolfe, himself. Wolfe stated that, after the initial attack, both parties sat on the bed and Wolfe asked Carter why he had the knife and what he was doing, but Carter did not respond. Wolfe stated that he asked Carter several times if he was alright, and Carter responded by telling him that he was okay.

Carter eventually asked Wolfe to help him into the bathroom. Wolfe stated that he did help Carter walk from the bedroom down the hallway to the bathroom. Wolfe stated that the bleeding had somewhat subsided and that he felt the wounds did not appear too bad because it seemed the bleeding had stopped. After helping Carter to the bathroom, Wolfe eventually helped him into a blue velvet chair in the family room. Wolfe eventually provided a towel to Carter to put on his neck. Wolfe stated that Carter sat in the chair and applied pressure to the bleeding and Wolfe moved to the couch. Wolfe remembered sitting on the couch and "freaking out over what had happened." Wolfe reports that Carter stated he was going to be fine, and Wolfe eventually then laid on the couch and passed out. Wolfe stated this was sometime between 4:30 and 5:30 a.m.

Wolfe stated that he then went and passed out on the couch and woke up at approximately 4:30 p.m. Wolfe stated that he saw Carter lying on the floor face up, and Wolfe couldn't believe it. Wolfe stated that he went over to Carter's body, touched his arm and felt it was a little stiff. Wolfe further stated that he observed Carter's eyes were slightly open, and he noticed he wasn't breathing. Wolfe stated he freaked out, grabbed Carter's wallet, including credit cards, and walked out the front door. Wolfe stated he took the wallet so that he would have some money for phone calls. Wolfe also admitted taking the steak knife which was used in the stabbing. Wolfe stated that the blade of the knife had broken off and was still possibly in Carter's bedroom where the stabbing had occurred. Wolfe stated that he took the wooden handle from the broken steak knife and threw it into a culvert on the south side of Capitol Drive, near Carter's residence.

Wolfe further advised that he removed the credit cards from Carter's wallet and stashed them behind a display inside of the Sentry Foods store, located at the intersection of Capitol Drive and Calhoun Road. Your complainant

states that this store is located a short distance from the Carter residence. Detective Levenhagen reports that Wolfe agreed to accompany police to the Sentry Foods store and show them where he had stashed the credit cards. Detective Gralinski did enter the Sentry Foods store with Ronald Wolfe, Jr., and did locate the credit cards belonging to Ronald Carter inside of the store. Detective Levenhagen also reports that as they were driving to Sentry Foods Wolfe said, "Hey, make a left here and go by the gas station. I'll show you where I threw something else." Detective Levenhagen took Wolfe to the area of the Citgo gas station and Wolfe said that there was a jacket he had been wearing that he had thrown off into the field. Wolfe pointed out the exact location where he had taken the jacket off and left it. Detective Levenhagen reports that this jacket had previously been located by members of the City of Brookfield Police Department, and that there were numerous stains on the jacket, believed to be blood.

Your complainant indicates that an autopsy was performed on Ronald Carter by Dr. Mark Witeck, the Medical Examiner from Kenosha County assigned to conduct this autopsy in the absence of the Waukesha County Medical Examiner. Dr. Witeck concluded that the cause of death of Ronald Carter was exsanguination, due to stab wounds to the neck, and that the manner of death was homicide. The wounds appeared to be consistent with a sharp, pointed object. Two (2) of these wounds were significant. One (1) sliced the jugular vein and the other sliced the carotid artery. There were two (2) small puncture wounds on the interior and backside of the left ear lobe. There was one (1) large puncture wound on the right side of the face, located directly below the right ear lobe. Also on the back side of the neck were two (2) small puncture wounds. There was also what appeared to be an abrasion or small laceration on Carter's right forearm, near the elbow region, which would be consistent with defense wounds. Dr. Witeck concluded that the fatal puncture wound was to the left carotid artery, and in total there were twelve (12) stab wounds. All the wounds to the neck were at lateral and posterior locations on the body of Carter.

Your complainant further bases this complaint on his review of the court documents found in the Waukesha County District Attorney's Office file, Case No. 00-CF-496 and 00-CF-572, both matters entitled, "State of Wisconsin vs. Ronald W. Wolfe, DOB: 11/23/66." Said information indicates that on August 17, 2000, the above-named defendant, Ronald W. Wolfe, appeared in Waukesha County Circuit Court in response to being charged with one count of burglary, contrary to Section 943.10(1)(a), Wisconsin Statutes, in Case No. 00-CF-496, and one count of uttering, contrary to Section 943.38(2), Wisconsin Statutes, in Case No. 00-CF-572. The defendant was ordered to post \$2,000 cash bail on 00-CF-496 and \$200 cash bail on 00-CF-572, guaranteeing his future court appearances on the aforementioned charges until discharged. As a further condition of both bails, the defendant was ordered to not commit any further crimes. A copy of each bail bond is attached hereto and incorporated herein by reference.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Det Edm J. Hanley
Complainant

Subscribed and sworn to before me
this 2 day of Oct, 2000.

APPROVED FOR FILING:

St. On
Assistant District Attorney

St. On
Assistant District Attorney
State Bar # 1017918

SO/ks

DATE

DOCUMENTS TURNED OVER TO DEFENSE

11/21/00

Police reports, witness statements, Medical Examiner's documents, and informed defense the State has diagrams in its possession (723 pages).

1/3/01 (approx.)

Medical Examiner photographs

1/24/01

State files a discovery demand and again informs defense of the diagrams in its possession. Further informed defense that photographs of a bloody palm print found in the kitchen are at the State Crime Lab. Informed defense that crime lab reports are still coming.

2/9/01

Phone records (a summary of the phone records was turned over to defense on 11/21/00) and crime scene log (87 pages), crime lab reports and crime lab receipts (8 pages), Officer Renner's report (1 page) and Det. Levenhagen's report regarding a video tape from Sentry Foods and Tyme machine records from the Sentry Food Store (11pages).

2/14/01

Officer Riederer's report regarding the fact that he dropped off evidence at the crime lab and crime lab receipts (6 pages).

2/16/01

City of Brookfield reports on an emergency detention on Ron Carter (16 pages), summary of toxicology reports, a letter from Ron Carter to Ron Wolfe and a letter from Ron Wolfe to Ron Carter (4 pages) and provided State's witness list to defense.

2/21/01

Det. LaGosh's report regarding letter from Ron Wolfe to Ron Carter and letter from Ron Carter to Ron Wolfe (6 pages), Det. Gralinski's report on contact with Dennis Jackson (3 pages), statement from Edith Chamberlain (5 pages), Officer Reiderer's report on developing film found at Carter's residence (1 page), Det. Gralinski's report on taking meat forks to the crime lab (2 pages), Officer Oehlke's report of evidence picked up from the crime lab (1 page) and certified copies of court documents (10 pages).

*witness list
1/24/01
Chris Chamberlain
Wolfe
Chamberlain*

*gralinski
Oehlke*

2/22/01

Officer Oehlke's report of evidence picked up from the crime lab on 1/31/01 (5 pages), Det Gralinski's report regarding contact with Edith Chamberlain on 2/14/01 (4 pages) and Det. Levenhagen's report regarding witness interviews with Gail and Robert Horvath and Benjamin Armao on 2/20/01 and Joseph Jones on 2/21/01 (3 pages).

*Robert Horvath
Gail
Armao*

*Levenhagen
↓*

↓ ↓

*Joseph Jones
Gail & Robert Horvath
Benjamin Armao*

CITY OF BROOKFIELD POLICE DEPARTMENT POLICE REPORT	
TYPE OF REPORT: Supplemental Information	COMPLAINT NO.: 00-10969 (s77)
COMPLAINANT: Unknown	DATE/TIME OF CR: 09/18/00 - 1849
LOCATION: 18650 St. Andrews Lane, Brookfield, WI	DATE OF REPORT: 03/12/01
SUBJECT: Death Investigation/Homicide - 0011	DEFENDANT: WOLFE

**NARRATIVE:**

On March 12, 2001, at approximately 3:00 p.m., I proceeded to an address of 1363 N. 40th Street, in reference to a pre-arranged meeting with a witness in this investigation, who was identified as: **Faye E. SHELTON, F/W, DOB: 01/03/60.**

Prior to my arrival at that location, there had been several phone contacts with SHELTON regarding a request for her to meet with ADA OPPER, pursuant to the death investigation involving the defendant, Ronald WOLFE, JR.

It should be noted that myself, along with Detective LEVENHAGEN had been trying to locate the whereabouts of SHELTON since the early part of January of 2001. We had been unable to do so because of her lack of permanent address. Contact was eventually made with her during the first week of March and the meeting with her was scheduled for today's date.

Upon my arrival, I proceeded to the GIVENS residence, which is the residence of SHELTON's mother, which is apartment #6 at that location. After meeting SHELTON, we eventually proceeded to the Waukesha County District Attorney's Office, to meet with ADA OPPER.

0103

OFFICER/ID# (please print)/PREPARER: Detective Mark Gralinski - 1079/ks	SUPERVISOR: Lt. Horter
SIGNATURE/STATEMENT ONLY:	TIME SPENT:

CITY OF BROOKFIELD POLICE DEPARTMENT POLICE REPORT	
TYPE OF REPORT: Supplemental Information	COMPLAINT NO.: 00-10969 (s77)
COMPLAINANT: Unknown	DATE/TIME OF CR: 09/18/00 - 1849
LOCATION: 18650 St. Andrews Lane, Brookfield, WI	DATE OF REPORT: 03/12/01
SUBJECT: Death Investigation/Homicide - 0011	DEFENDANT: WOLFE

Prior to arrival at that location, I did stop by the CITY OF BROOKFIELD POLICE DEPARTMENT and picked up Officer AMUNDSON, who was to assist in the interview.

Upon arrival at the Waukesha County District Attorney's Office, we proceeded to meet with ADA OPPER and eventually conducted our interview in the District Attorney's conference room. This occurred at approximately 3:45 p.m.

ADA OPPER confirmed the majority of the information SHELTON had provided to Detective GIBBS, on September 22, 2000, shortly after the arrest of Ronald WOLFE at 3916 W. Lisbon Avenue.

During the interview, SHELTON did provide the following new information regarding her relationship with Ronald WOLFE:

SHELTON indicated that prior to the death of Ronald CARTER, she did remember WOLFE coming over to the residence on Lisbon Avenue and he had in his possession approximately one hundred dollars in cash, which he told SHELTON that he stole from CARTER to buy crack cocaine.

SHELTON also stated that after the death of CARTER, she remembered seeing WOLFE wearing brand new tennis shoes, which she believed shortly thereafter.

0104

OFFICER/ID# (please print)/PREPARER: Detective Mark Gralinski - 1079/ks	SUPERVISOR: Lt. Horter
SIGNATURE/STATEMENT ONLY:	TIME SPENT:

CITY OF BROOKFIELD POLICE DEPARTMENT POLICE REPORT	
TYPE OF REPORT: Supplemental Information	COMPLAINT NO.: 00-10969 (s77)
COMPLAINANT: Unknown	DATE/TIME OF CR: 09/18/00 – 1849
LOCATION: 18650 St. Andrews Lane, Brookfield, WI	DATE OF REPORT: 03/12/01
SUBJECT: Death Investigation/Homicide - 0011	DEFENDANT: WOLFE

SHELTON indicated that WOLFE made mention of burning all of his clothes, along with the tennis shoes. She also remembered that he had in his possession a checkbook that belonged to CARTER, along with three diamond rings, which WOLFE told her that he took from the body of CARTER, prior to leaving the residence after his death. SHELTON stated that a female sold the rings for WOLFE and gave him the money so that he could use it to buy crack cocaine.

SHELTON was asked by ADA OPPER about the time-frame after the death of CARTER and when she would have seen WOLFE at the residence on Lisbon Avenue. SHELTON indicated that the day after the stabbing was the first day that she saw Ron WOLFE. She indicated that WOLFE then left for – what she believed to be – a day, and then returned there and stayed approximately three days after.

SHELTON indicated that after WOLFE returned for the second time, this is when she spoke to him regarding the death of CARTER, and he gave her the information that she relayed to Detective GIBBS.

SHELTON indicated that she believed Tony JANSEN was the one that dropped off WOLFE the second time and stated that she had met Tony JANSEN on several occasions prior to this date.

0105

OFFICER/ID# (please print)/PREPARER: Detective Mark Gralinski – 1079/ks	SUPERVISOR: Lt. Horter
SIGNATURE/STATEMENT ONLY:	TIME SPENT:

CITY OF BROOKFIELD POLICE DEPARTMENT POLICE REPORT	
TYPE OF REPORT: Supplemental Information	COMPLAINT NO.: 00-10969 (s77)
COMPLAINANT: Unknown	DATE/TIME OF CR: 09/18/00 – 1849
LOCATION: 18650 St. Andrews Lane, Brookfield, WI	DATE OF REPORT: 03/12/01
SUBJECT: Death Investigation/Homicide - 0011	DEFENDANT: WOLFE

SHELTON indicated that she has not had any conversation with WOLFE since the date of his arrest. She does state, however, that her sister-in-law, Regina SHELTON, does still keep in contact with WOLFE, as they have written to each other since WOLFE has been incarcerated.

The interview with SHELTON was concluded at approximately 4:30 p.m. After it was complete, Officer AMUNDSON and myself conveyed Shelton back to her mother's residence on N. 40th Street.

I request that a copy of this supplement be attached to the original report.

0106

OFFICER/ID# (please print)/PREPARER: Detective Mark Gralinski – 1079/ks	SUPERVISOR: Lt. Horter
SIGNATURE/STATEMENT ONLY:	TIME SPENT:

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

RONALD W. WOLFE, JR.,

Defendant-Petitioner,

-vs-

Case No. 2000-CF-877

STATE OF WISCONSIN,

Plaintiff-Respondent.

A F F I D V I T
BY, RONALD W. WOLFE, JR.

I, RONALD W. WOLFE, JR., swear or affirm that the following is true and correct to the best of my knowledge and belief.

1. That, I am an inmate incarcerated in the State of Wisconsin Department of Corrections and currently confined at the Columbia Correctional Institution, 2925 Columbia Drive, P.O. Box 900, Portage, Wisconsin 53901-0900;
2. That, in May 2015, I was housed on Housing Unit-#4, Cell-#47 with inmate John Shomo #82389, when I received my U.S. Postal Service mail and immediately noticed no return address and inside the envelope addressed to me was a single sheet of paper undated and unsigned explaining information I believed to be relevant to my conviction in the above-entitled matter, (Ex.A, attached);
3. That, the anonymous letter stated that my cousin Tyson Olson stated he and two others were also at the home of the deceased victim (Ronald D. Carter) on the night in question when one of the others stabbed Mr. Carter with an ice pick and stood on his neck demanding money, stole jewelry from Mr. Carter, and left the residence returning to Milwaukee (see, Ex.A);
4. That, the anonymous letter stated that my former co-worker, Gregory "Homer" Walz, was present and afterwards became paranoid and left Wisconsin for California (see, Ex.A);
5. That, the anonymous letter stated that Tyson Olson was confined at the Waukesha County Jail while I was also there and told Tyson that I believed I heard someone else at Carter's residence on the night in question, so Tyson got nervous and arranged a meeting with Brookfield authorities investigating Carter's death and told a Brookfield detective (Eric Levenhagen) that I told Tyson I stole jewelry from Carter (See, Ex.A);
6. That, the anonymous letter stated the person was able to obtain the Waukesha County Jail record showing Tyson Olson was interviewed by Det. Eric Levenhagen on 11/27/2000 for twenty-five (25) minutes in length (see, Exhibit-B, attached);



7. That, I informed authorities, appointed attorneys, and others (including Tyson Olson), of my strong belief that I heard another voice arguing with Mr. Carter on the night in question while I was "passed-out" on the sofa after having drinks with Carter who I also reported attempted to sexual assault me, and returned with a knife threatening me while naked from the waist down leading to our fight. afterwards I attempted to telephone authorities, but Carter told me not to call anyone, so I applied pressure to Carter's wounds until I observed most of the bleeding had stopped and could no longer stand, was told to relax on the sofa and simply fell asleep;

8. That Tyson Olson is a distant cousin of mine, who I sold crack cocaine to, and traveled to Milwaukee with on occasions to purchase crack cocaine, but in November 2000 was confined with me in the Waukesha County Jail Block #7 where he informed me that Gregory "Homer" Walz, told Tyson that he wanted to return to Carter's home after I had taken them there, and he told Tyson he wanted to rob Carter, which I communicated to my trial attorney William Marquis;

9. That, after receiving the anonymous letter with Waukesha County Jail record, I had both photo-copied, and used my typewriter to type a personal copy for use of investigating the letters contents and seeking legal assistance;

10. That, as part of my efforts to investigate the contents of the anonymous letter and jail record, in July 2015, I mailed an Open Records Request pursuant to §19.35, Wis. Stats., to Waukesha County District Attorney, Susan L. Opper, requesting access to/copies of "all" available police reports by City of Brookfield detectives, Eric Levenhagen and Mark Gralinski, who were the lead investigators involved in my First-degree Intentional Homicide conviction who also testified for the prosecution resulting in my LIFE sentence in 2001;

11. That, Waukesha County District Attorney, Ms. Opper, responded to my records request stating there were a total of #152 pages of the requested police reports by detectives Levenhagen and Gralinski, and the prepayment for said reports would be \$83.50 (see, Exhibit-D, attached);

12. That, my family purchased the #152 pages of reports by detectives Levenhagen and Gralinski. Upon my review there were eleven (11) missing pages from a variety of the reports, and observed for the first time the 1-12-2001 report by Dane County Deputy Scott A. Kuntz, and the 1-29-2001 report by Det. Levenhagen, revealing the fact that there was a Sentry store surveillance video obtained and copied which I believed would show/identify the correct shoes I was wearing, so on September 9, 2015, I submitted a second Open Records Request to Waukesha District Attorney, Ms. Opper, requesting access to/copies of the identified missing #11-pages and a copy of the "still images" identified in Deputy Kuntz' 1-12-01 report, and a copy of the Sentry store video obtained/identified in the 1-29-01 report by Det. Levenhagen (see Exhibit-E & F, attached);

13. That, District Attorney, Ms. Opper, replied to my subsequent Open Records Request seeking additional funds for copying and mailing

the requested material, after three (3) claims of mailing the missing #11-pages of police report information by detectives Levenhagen and Gralinski, with the Sentry store video, on or about February 2, 2016, were mailed and received by my Social Worker, Ms. Christine Procknow, here at Columbia Correctional Inst., who personally gave me the #11 missing police report pages and arranged to have me view the video-DVD disc;

14. That, in February 2016, I viewed the video/disc mailed to my Social Worker, Ms. Procknow, for me, from the Waukesha County D.A. Ms. Oppen, and there was NO VIDEO footage of the Sentry store video identified by Det. Levenhagen and Dane County Deputy Kuntz, but rather footage of ladies shoplifting at a Waukesha Target store, and also video footage of Mr. Carter and Carter's residence from the night in question resulting in filing a pro se Petition for Writ of Mandamus on March 2, 2016, in Waukesha County Circuit Court Branch #12;

15. That, in March 2016, I wrote to my trial attorney, Mr. Marquis, specifically asking whether or not he recalled seeing any police reports by Det. Levenhagen and Dane County Deputy Scott A. Kuntz, and on March 28, 2016, Attorney Marquis responded in writing stating: "I personally went through all the discovery and spent a lot of money getting you everything. This was explained to you via letters to OLR 13 years ago. My letters were then sent to you. I'll make it clear again--if you did not get the tape it's because I didn't get it." (See, Exhibit-G, attached);

16. That, in 2003, through the Officer Lawyer Regulation (OLR), I finally received some discovery materials from attorney Marquis after his testimony at my 10-30-2002 postconviction hearing when Mr. Marquis acknowledged the fact he refused to go over the discovery materials with me, acknowledged that I informed him of my belief that someone else was heard by me at /inside Mr. Carter's residence on the night in question while I was "passed-out." The discovery materials provided to me by Mr. Marquis included some police reports, fifty two (52) of approximately #500 crime scene photographs, and one videotape showing only the video footage of Mr. Carter and his residence on the night in question;

17. That, Upon examining the #52 crime scene photo's after receiving the anonymous letter and jail record, I located what appears to be a foot-print and shoe emblem on Carter's neck consistent with the contents of the anonymous letter received by me in May 2015, so I had the photograph enlarged to best reveal the shoe emblem (see, Exhibit-H, attached);

18. That, I have always maintained that I WAS NOT wearing the NIKE "Yuba" shoes the prosecution (at the time, Assistant D.A. Ms. Oppen was the prosecutor), showed the jury accusing me of wearing and responsible for the bloody shoe prints that an expert testified matched the NIKE "Yuba" shoes purchased by the prosecution for trial after locating a receipt inside an empty NIKE shoebox;

20. That, throughout trial none of the prosecution witnesses could conclusively testify that I was seen wearing the NIKE "Yuba" shoes, however, Ms. Opper argued during her summation that I was wearing those shoes responsible for the bloody shoe prints inside Mr. Carter's residence and "near the body." (Trail Tr. p.1361);

21. That, there was no mention whatsoever at trial that authorities (Det. Levenhagen) met with Tyson Olson at the Waukesha County Jail for a total of twenty five (25) minutes on 11-27-2000 (Ex.B);

22. That, there is no mention in "all" of Det. Levenhagen's police reports concerning his 11-27-2000 meeting/interview with Tyson Olson, nor is there any mention whatsoever in police reports of "jewelry" stolen from Carter or Carter's residence;

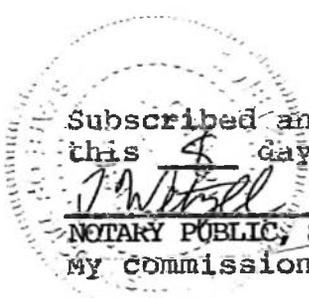
23. That, there is NO MENTION whatsoever in any police reports by prosecution witnesses that "jewelry" was stolen as was testified;

24. That, as far as I can assume the anonymous letter and Waukesha County Jail record was sent to me by an employee of the jail because I got along with most jailers;

I, Ronald W. Wolfe, Jr., swears under the penalty of perjury that the above is true and correct to to the best of my knowledge and belief.

MR. RONALD W. WOLFE, JR., #131124
Columbia Correctional Institution
2925 Columbia Drive
P.O. Box 900
Portage, Wisconsin 53901-0900

Subscribed and sworn before me
this 4 day of June, 2016.


J. W. Wolf
NOTARY PUBLIC, STATE OF WISCONSIN
My commission expires 3-23-2020.

CC: file
OFFICE OF THE DISTRICT ATTORNEY
ATT: Susan L. Opper
515 W. Moreland Blvd. Rm. CG-72
Waukesha, Wisconsin 53188

Ron,

I'm sure this letter will be a surprise to you while at the same time upsetting to you because I was too afraid to contact you or the police sooner, I hope what I can now tell you and send to you, is helpful

Sometime ago your cousin Tyson Olsen was having drinks and getting high with me when we began talking about you killing that man in Brookfield. He began telling me about how he, Homer and a black guy from Milwaukee showed up at the man's home after a crack binge in Milwaukee.

From my recollection Tyson and Homer ran out of money while in Milwaukee and Homer told Tyson And his dealer about your friend being wealthy and how you and Homer stopped there and you stole \$800 From the man's bedroom. Apparently Homer showed them where the man lived and waited in his car in a Furniture store parking lot so no one could identify his car and when Tyson and the black guy entered the Apartment the man was naked and bleeding while you were sleeping on the couch. He told them not to wake you and the black guy told him they were friends of yours and asked if he wanted to buy some dope, but the man told them they had to leave. Tyson said that's when the black guy pulled out an ice pick and started stabbing the man and then stood on the man's neck demanding his money until getting off to remove the man's jewelry and finding some cash in the bedroom before leaving. They tossed the ice pick and went back to Milwaukee and when Homer heard what all happened he got paranoid and took off to California, but came Back to help convict you. Tyson then said he was in jail with you and you said you heard someone else There and so he became nervous and had a talk with the Brookfield police and told a detective who came to see him, that you were telling him things, and then told the detective it was you who stole jewelry from the man that night. He said he felt bad about it all but he wasn't to blame, that might be true but that doesn't make it alright.

So after he told me this I began to make calls and I made contact with someone I know at the Waukesha County Jail, who sent me the enclosed jail record. I'm very sorry for not telling you this sooner, but I was Afraid and still am, but I heard you were appealing your conviction, so I hope and pray this information And the jail record helps.

A friend



VISITOR PASS LOG BOOK

DATE	INMATE	VISITOR	OCCUPATION	PASS #	ROOM #	TIME IN	TIME OUT
11/27	Tom Langford	Mr. Michael Hayes	Att			7:30 AM	8:15
11/27	Mary Jo Cobb McPhulla	Mark Wagoner	P+P			7:37	8:06
11/27	Milopas SUCOVIC	TERE HOCSTEIN	P+P			7:53	8:50
11/27	Lock-ups	M.E. Weathers	Att			8:15	9:00
11/27	lock ups	J. Smith, Jr.	Att			8:15	8:51
11/27	Smits Folger	M.E. Weathers	Att			9:15	10:00
11/27	SHAW	Holzma	Wife			9:15	9:50
11/27	MARY COLE	J. Nitti	SPD			9:45 am	10:05 am
11/27	DAMIAN WYATT	John Cornell	Att			9:55 am	10:30
11/27	C. Buck T. Langford	Jean LaTour	SPD			10:00	10:12
11/27	Mary Jo Cobb McPhulla	Mark Wagoner	P+P			10:16	10:40
11/27	ELSON, TY	Lambert, ERIC	Del			10:20 AM	10:45 AM
11/27	A. Arnon	Tom Wilk	Att			10:20 AM	11:15 AM
11/27	FINUCAN	E. Whers	P+P			12:30	1:10
11/27	Renee Goufens	Don	SPD-Att			12:35	1:15
11/27	Gorska Lorraine	T. Martin	P+P			12:50	2:00

EXHIBIT NO. B

APPENDIX #119

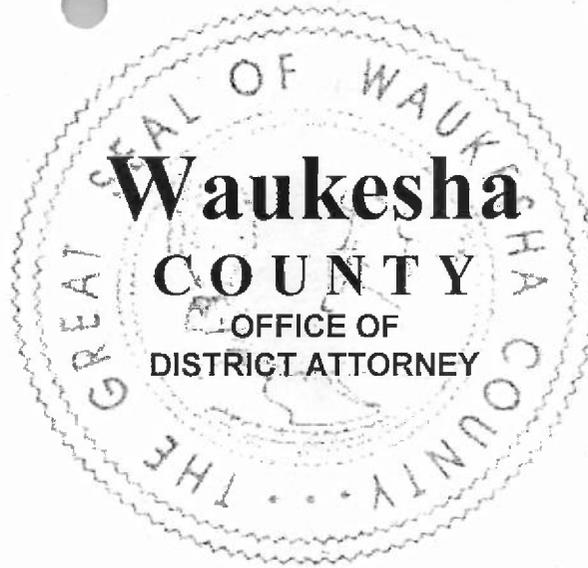
District Attorney
Susan L. Opper

Deputy District Attorneys
Timothy F. Westphal
Lesli S. Boese
Ted S. Szczupakiewicz

Office Services Coordinator
Dani M. Danielski

Victim/Witness Program
Jennifer S. Dunn, Coord.

Support Staff Supervisor
Julie A. Delain



Assistant District Attorneys
Barbara A. Michaels
Kevin M. Osborne
Pablo Galaviz, Jr.
Michele W. Hulgaard
Mary C. Brejcha
Timothy A. Suha
Jayne Davis Dewire
Andrea M. Will
Lindsey H. Hirt
Brian J. Juech
Bryan C. Bayer
Abbey L. Nickolie
Melissa J. Zilavy
Shawn N. Woller

July 13, 2015

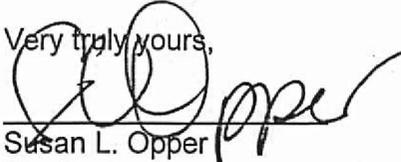
Mr. Ronald Wolfe, #131124
Columbia Correctional Institute
P.O. Box 900
Portage, WI 53501

RE: State of Wisconsin vs. Ronald W. Wolfe
Case No. 2000CF000877

Dear Mr. Wolfe:

I have received your open records request for the police reports from Detective Mark Gralinski and Detective Eric Levenhagen. The reports consist of a total of 152 pages. The cost for preparing these records for you would be \$83.60. Please submit payment to the Waukesha County District Attorney's office in this amount. Upon receipt of the money, the reports will be copied and sent to you.

Very truly yours,


Susan L. Opper
District Attorney
Waukesha County

jad

APPENDIX-#120

515 West Moreland Boulevard, Room CG-72
Waukesha, Wisconsin 53188-9877
Phone: (262) 548-7076



SO

COPY

Page 1 of 5

CITY OF BROOKFIELD POLICE DEPARTMENT POLICE REPORT	
TYPE OF REPORT: Supplemental Information	COMPLAINT NO.: 00-10969 (63)
COMPLAINANT: Perry J. Gross	DATE/TIME OF CR: 09-18-00 @ 1849 Hrs
LOCATION: 18650 St. Andrews Lane	DATE OF REPORT: 01-29-01
SUBJECT: Homicide - 0011	DEFENDANT:

NARRATIVE:

On Tuesday 09-19-00, I obtained a video cassette tape from Sentry Food Store, 17295 W. Capitol Dr., Brookfield, Wisconsin. The videotape contained video from Monday 09-18-00 of the interior of Sentry Food Store. At the time the videotape was obtained, it was unknown if it would lead to any clues in the homicide investigation that occurred on 09-18-00.

As indicated in earlier reports by Detective GRALINSKI and myself, the suspect in this matter, Ron WOLFE, Jr., did state that he was at the Sentry Food Store located at 17295 W. Capitol Dr. on 09-18-00 where he hid the victim's (Ron CARTER) wallet behind some candy boxes in one of the aisles.

On 01-04-01 at approximately 9:45 a.m., I had the opportunity to view the tape at the Sentry Food Store. Due to the fact that the VCR tape cannot be viewed in a normal VCR, I had to watch it at the Sentry Food Store. The tape contains 16 separate pictures that can only be viewed by a similar type video system as used at the Sentry Food Store.

I met with Manager Ted MAJDECKI, who assisted me in pointing out where each camera shows inside the food store. I was particularly interested in the entrance near the pay phone, due to the fact that phone records indicate that calls were made on 09-18-00 to acquaintances of Ron WOLFE, Jr. On 09-18-00 at approximately 1839 and 1900 hours, phone number TX 414-587-2228 was called from the Sentry Food Store lobby phone, TX 262-781-9945. The phone calls were made to the cellular phone of Tony JANSEN, who admittedly picked Ron WOLFE, Jr. up

OFFICER/ID# (please print)/PREPARER: Det. Eric Levenhagen,#1096/als	SUPERVISOR: Lt. Horter
SIGNATURE/STATEMENT ONLY: <i>EL</i>	TIME SPENT:

EXHIBIT
P. #1 OF #5
NO. E

CITY OF BROOKFIELD POLICE DEPARTMENT POLICE REPORT	
TYPE OF REPORT: Supplemental Information	COMPLAINT NO.: 00-10969 (63)
COMPLAINANT: Perry J. Gross	DATE/TIME OF CR: 09-18-00 @ 1849 Hrs
LOCATION: 18650 St. Andrews Lane	DATE OF REPORT: 01-29-01
SUBJECT: Homicide - 0011	DEFENDANT:

from the area of Capitol Dr. and Calhoun Road. Ted MAJDECKI informed me that the tape he had turned over to me on Tuesday 09-19-00 was off approximately one hour from normal time. MAJDECKI states that it was not changed at daylight savings time and I would need to look an hour ahead in order to correspond with the correct time of the phone calls. MAJDECKI also informed me that camera 15 would show the east exit and entrance where the phones are located, as well as the entire Guaranty Bank located in the lobby of Sentry Food Store and the ATM machine. I did view this tape from approximately 1930 on the tape, which would've been 1830 normal time until approximately 2010 according to the VCR tape. At approximately 2004, I did observe what appeared to be the suspect Ron WOLFE, Jr. enter the food store and walk over to the TYME machine. The person I suspected to be Ron WOLFE, Jr. was a male white wearing black sweatpants with a stripe down the side, a dark colored T-shirt and had shoulder length hair. It should be noted that Ron WOLFE, Jr. was arrested in dark colored sweatpants with a stripe down the side and stated that was what he was wearing on 09-18-00. Ron WOLFE, Jr. also has longer hair which clearly shows in the video a person with longer hair. The video then shows the subject at the TYME machine for approximately a minute or so, where it appears this person is trying to use the TYME machine. I am unable to determine whether any transaction was made at this time from the video. The video shows the subject walking down an aisle out of the view of the video and then the next picture shows the same person going through a checkout lane and then exiting the food store. The time the person exited the food store is approximately 2009

OFFICER/ID# (please print)/PREPARER: Det. Eric Levenhagen,#1096/als	SUPERVISOR: Lt. Horter
SIGNATURE/STATEMENT ONLY:	TIME SPENT:

CITY OF BROOKFIELD POLICE DEPARTMENT POLICE REPORT	
TYPE OF REPORT: Supplemental Information	COMPLAINT NO.: 00-10969 (63)
COMPLAINANT: Perry J. Gross	DATE/TIME OF CR: 09-18-00 @ 1849 Hrs
LOCATION: 18650 St. Andrews Lane	DATE OF REPORT: 01-29-01
SUBJECT: Homicide - 0011	DEFENDANT:

hours according to the VCR tape.

On Thursday 01-04-01 at approximately 1420 hours, I made contact with Deputy Scott A. KUNTZ of the Dane County Sheriff's Department. I asked Deputy KUNTZ if I could meet with him so he could view the videotape in order to make me a copy, as well as obtain still videos of the suspect. Deputy KUNTZ agreed to meet with me and I did meet with him on Friday 01-12-01 at approximately 9:05 a.m. at the Dane County Sheriff's Department.

Deputy KUNTZ was able to make me a copy of the Sentry Food Store tape in order that it could be played in what's considered a common VCR. Deputy KUNTZ was also able to make me three still photos of the suspect as he is entering the store and is inside the food store, particularly at the TYME machine.

When I originally viewed the VCR tape at the Sentry Food Store, I was told by Manager Ted MAJDECKI that there was no camera for aisle two where I could possibly see the suspect putting the wallet behind the Twix candy bars. Deputy KUNTZ did make out a report describing how he captured the still videos, as well as making me a copy of the VCR tape and it is attached to this report.

On 01-04-01, I made contact with a Fraud Investigator identified as Tal LANE, TX 1-800-678-0926. I informed Fraud Investigator LANE that I needed to obtain information on the credit card history of a deceased subject. I asked Investigator LANE if he would be able to inform me if a credit card was used to obtain money at an ATM machine, or if a credit card was

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used in an attempt to gain money from an ATM machine. He stated he may be able to find that information out. I did give him the credit card number for Ron CARTER from his Citibank card which was located in his wallet obtained from Sentry Food Store which is 5410-6544-9998-8316. LANE contacted me a few minutes later and informed me that this particular credit card belonged to Citibank and that after 90 days if an attempt was made to use the credit card and no money was obtained, that the records would be purged. LANE stated if a transaction did occur, the records will remain for approximately five years. LANE stated he made contact with an individual from Citibank who informed me that no money was obtained on 09-18-00 from this credit card and at this time, they were not able to determine if there was an attempt, due to the fact that it was over 90 days. I also informed him of another credit card belonging to Ron CARTER which is USA Bank Card 4190-0808-9164-0173.

On Monday 01-15-01, I did receive a phone call from Tal LANE, who informed me that it is a USA Bank card out of Fargo, North Dakota and he gave me the name of Fraud Investigator Kelly ROGERS at TX 1-800-815-1405 who would be able to assist me in this investigation. Tal LANE did inform me that because it is Martin Luther King Day, they are not open and that I would need to contact him on Tuesday 01-16-01.

On Tuesday 01-16-01, I did make contact with Kelly ROGERS, the Fraud Investigator for USA Bank. I asked ROGERS how far back he is able to go to obtain a decline on a credit card and he stated 90 days. ROGERS states that if the card was used, it should be in a statement that

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was sent to the owner of the card indicating a use. As indicated earlier, there has been no documented use of either of Ron CARTER's credit cards on 09-18-00 or after. I have obtained the activity sheet for the Guaranty Bank at the Sentry Store in Brookfield, Wisconsin and there is no indication that either one of Ron CARTER's credit cards were used to obtain money from the ATM machine.

OFFICER/ID# (please print)/PREPARER: Det. Eric Levenhagen,#1096/als	SUPERVISOR: Lt. Horter
SIGNATURE/STATEMENT ONLY:	TIME SPENT:

01-12-01, Deputy Scott A. Kuntz, I analyzed a videotape.

INITIAL INFORMATION:

On Friday, January 12, 2001, I was assigned to work as a Deputy Sheriff in the DCSO video room. I assisted Brookfield Police Detective Eric Levenhagen by analyzing images from (1) videotape and capturing still images from it. These images were related to a homicide investigation that Levenhagen was conducting. **REFERENCE BROOKFIELD PD CASE #00-10969 and DCSO #01-0002247.**

ORIGIN:

On Thursday, January 4, 2001 at approximately 1420, I received a telephone call from Levenhagen. Levenhagen had call to ask if I could assist him by capturing still images of a homicide suspect, from (1) videotape he had. Levenhagen explained that the (1) videotape contain closed circuit video footage recorded at the Sentry Food store located at the corner of Capitol Drive and Calhoun Road in the City of Brookfield on 09-18-00. Levenhagen told me he wanted to capture images from the video footage and print those images to paper. We agreed to meet on 01-12-01.

ACTIONS TAKEN:

On Friday, January 12, 2001 at approximately 0905, Levenhagen arrived at the DCSO video room. With him was Officer Andy Wichlacz. Levenhagen gave me the VHS videotape from the Sentry Food store.

I visually examined the videotape for any signs of damage. I saw none. I played the videotape in a Sony SVP-5600, "player only" videotape machine. The original footage was recorded in a format referred to as "multiplexed". On the screen, all of the separate camera signals are shown, full-screen, changing in rapid succession. This allows different areas of the store to be recorded on the same videotape. Levenhagen said that based on his investigation, the suspect was recorded on video, in the store, near the ATM machine and near the checkout area.

The time/date information did not appear on the screen as I played the videotape. I explained to Levenhagen that that information is encoded in the signal and the videotape needed to be played back with the original recording equipment from the store to see that information superimposed properly over the footage. I passed the video playback signal through a For-A brand, FA-100 time base corrector set to proper NTSC color bar standards.

Using the DCSO, AVID computer, I digitized (digitally recorded) a portion of the video footage. I did this to help prevent unintended damage to the original videotape through repeated playback and searching using the videotape machine. At approximately 0930, I gave the videotape back to Levenhagen.

Using Clear Effect dPlex software, I isolated the camera view that showed the Tyme machine that Levenhagen said he saw the suspect near. I used the following settings to isolate that camera view:

T=-438
L=64
B=-213
R=465
Tolerance=45

When the computer had finished processing this portion of video, I now had video footage that showed continuous shots from just the camera showing the ATM.



Levenhagen also told me that the suspect is also seen near the checkout area in the store. Using Clear Effect dPlex software, I isolated the camera view that showed the checkout area that Levenhagen said he saw the suspect near. I used the following settings to isolate that camera view:

T=-448
L=56
B=-249
R=467
Tolerance=45

When the computer had finished processing this portion of video, I now had video footage that showed continuous shots from just the camera showing the checkout area.

STILL IMAGES:

Levenhagen showed me the person on the footage that he thought was his suspect. Using Pinnacle Alladin hardware/software, at the direction of Levenhagen, I "captured" (3) different images from the footage.

The 1st image shows the suspect standing at the Tyme ATM machine. I stored this image on the computer hard drive as a Targa type, still image file.

Levenhagen told me he was concerned that the print might slightly "cut off" the edges of the image. The suspect is seen on the edge of the image. Using Pinnacle Alladin hardware/software I reduced the size of the 1st image slightly (position z=-1.8) on the screen. This enabled me to ensure that the printout would show the edges of the image. I stored this image on the computer hard drive as a 2nd Targa type, still image file.

The 3rd image shows the suspect bent over as he had been walking toward the Tyme ATM machine. I stored this image on the computer hard drive as a 3rd Targa type, still image file.

PRINTING:

Next, using a Panasonic AG-EP80 color video printer, I printed each of the (3) still image files that I had just captured, to separate sheets of paper.

VIDEOTAPE COPY:

Levenhagen told me that he wanted to have a videotape copy of the footage that just showed the (2) isolated camera views of the suspect. Levenhagen told me that the isolated footage plays too fast. Levenhagen asked me to slow down the footage for the videotape copy.

Using the AVID motion effect software, I was able to slow the footage down. I used the following settings:

Clip #1 (ATM view): frames=996, frames per second=7.5, % speed=25, duplicated field

Clip #2 (checkout view): frames=116, frames per second=7.5, % speed=25, duplicated field

After the computer had processed the (2) clips of video, I used the Pinnacle Alladin hardware/software to slightly reduce the size of the images on the screen. I did this to ensure that the suspect would be seen on the edge of the frame. I adjusted the "position z" parameter to -1.8. I copied the (2) clips of video onto a new T-10, VHS videotape. I gave the videotape copy to Levenhagen.

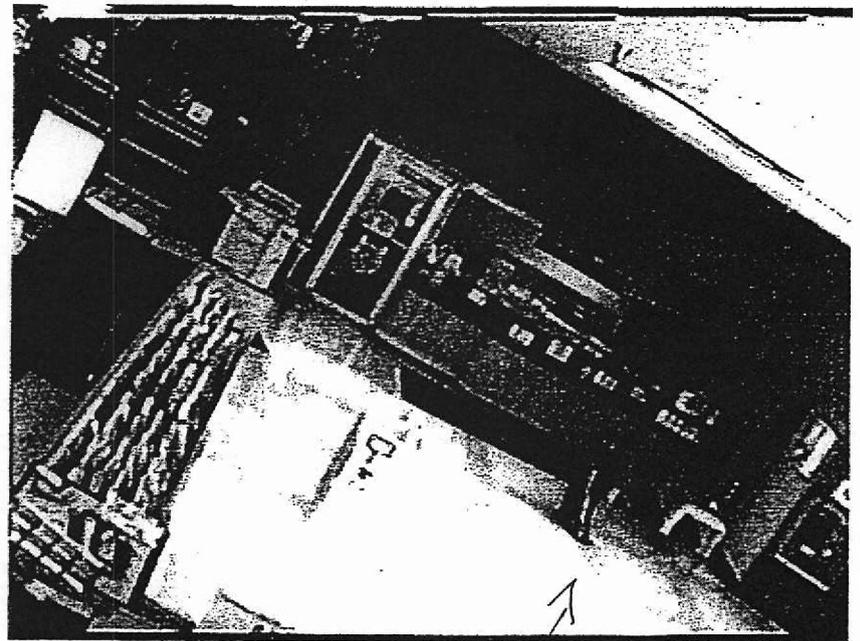
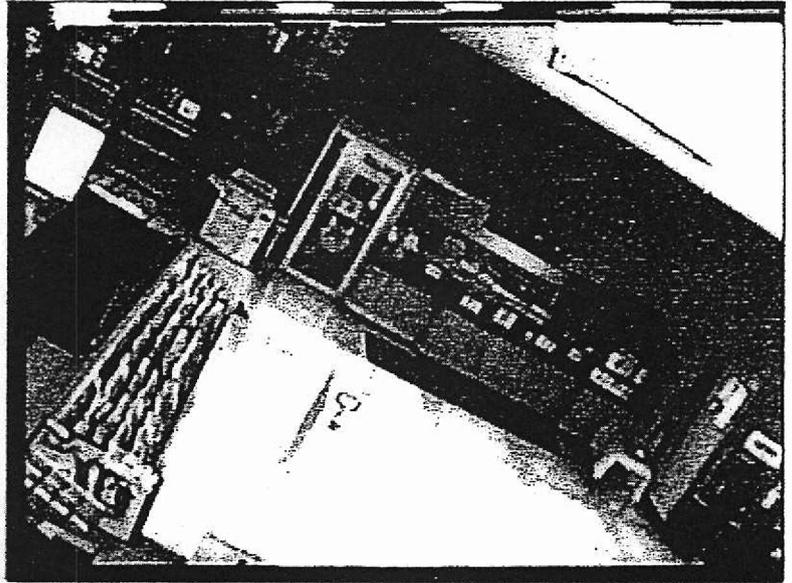
CONCLUSION:

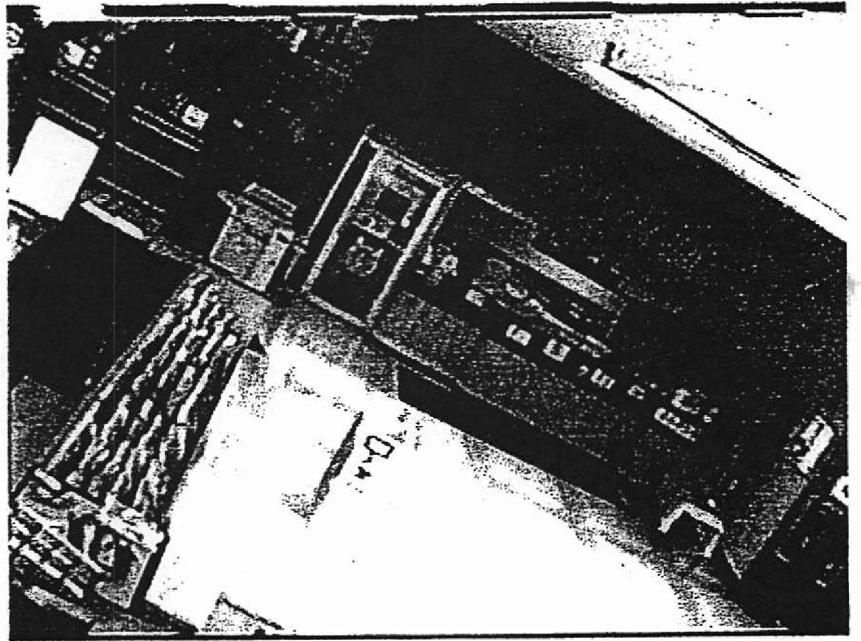
At approximately 1105, Levenhagen and Wichlacz left with the original videotape and the (3) paper prints.

END OF REPORT

DEPUTY SCOTT A. KUNTZ
DANE COUNTY SHERIFF'S OFFICE
January 12, 2001
SAK

00 10969



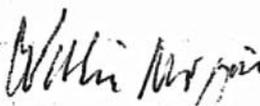


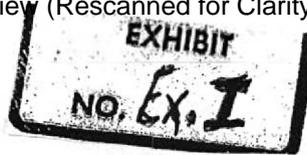
Ronald Wolfe #131124
Columbia Correctional Institute
P.O. Box 900
Portage, WI. 53901-0900

28 March 2016

Wolfe:

I got your letter complaining I hadn't answered your letter. I didn't get it but let me interrupt my business to IMMEDIATELY get back to you. I kept letters from OLR wherein you are complaining about discovery. I personally went through all the discovery and spent a lot of money getting you everything. This was explained to you via letters to OLR 13 years ago. My letters were then sent to you. I'll make it clear again—if you did not get a tape it's because I didn't get it.


William Marquis
State Bar #1013178



116-W-607

April 24, 2016

The Hon. Kathryn W. Foster
Waukesha County Courthouse
Branch #12
515 W. Moreland Blvd. Rm.C-278
Waukesha, Wisconsin 53188-1627

FILED

APR 29 2016

CIRCUIT COURT
WAUKESHA COUNTY, WI

2016 APR 29 AM 11:20

CLERK OF CIRCUIT COURT
CIVIL DIVISION

RE: IN RE: the petition of Ronald W. Wolfe, Jr.
Case No. 2016-IP-0001

Judge Foster:

Thank you for your review of the facts regarding the above-entitled matter at the hearing held this past Thursday April 25, 2016. However, following the hearing and a closer review of the report by Dane County Deputy Scott A. Kuntz, dated 1-12-2001 (Exhibit-C), it does conclude by saying that a videotaped copy of the videotape obtained by City of Brookfield Det. Eric Levenhagen from the local Sentry Store, showing me walking into the store with my shoes clearly visible, this according to the "still images" gathered by Deputy Kuntz, and already provided to me by D.A. Opper. Yet, Ms. Opper claimed at the hearing the videotaped copy made was of poor quality, and my hopes of having a "close-up" of the shoes I'm wearing was unlikely due to the quality of the VHS videotape. Ms. Opper also stated that they were having difficulty copying the videotape because they couldn't find old VHS videotapes.

Following the April 21, 2016 hearing I began to consider whether that could be accurate and/or whether Ms. Opper is being misled by Brookfield authorities, because I recently sent you a video "disc" containing images directly from a Target surveillance camera around the same time...and the DVD disc I sent you also has videotaped footage of the deceased victim and his residence on the night in question. That being true... how is it they now cannot copy a VHS videotape onto a computer DVD disc??? They were able to before. Moreover according to Deputy Kuntz' report (Exhibit-C), he took extra steps to assure the videotaped footage would be clear (see, Ex.C).

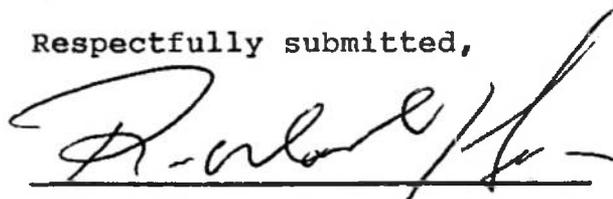
The significance of the quality of this videotaped copy can be no less than the quality of the "still images" obtained from Deputy Kuntz, and the "still images" are clear enough to have a computer blow-up of the shoes, so Ms. Opper's claim that this would not be possible is of great concern to me and my hopes of showing-proving I WAS NOT wearing the NIKE "Yuba" shoes I was accused of wearing and being responsible for the bloody shoe-prints...throughout my trial. There can be NO DIFFERENCE in the clarity of the "still images" obtained by Deputy Kuntz from the Sentry Store videotape and then copied onto another VHS videotape. Thus my concern is that the VHS videotaped copy of the Sentry Store surveillance footage could possibly be tampered with to prohibit efforts to "blow-up" the images of exactly what shoes I am/was wearing. Therefore, I am requesting that you issue an order that the videotaped copy be made onto a disc as was previously made by the prosecution from a videotape.

*request denied
prior order stands.
Any further requests
about anticipated
quality of images
should be made to
Criminal Ct.
KWF*

There should be no reason why the prosecution is now unable to copy VHS videotapes onto a DVD disc like was done with the Target surveillance footage, etc... on the DVD disc I've sent you which was provided to me by Ms. Opper. In fact, my family has a VHS videotape of the deceased victim and his residence as videotaped by Brookfield authorities on the night in question which as you can see has been copied onto a DVD disc.

I apologize for any inconvenience this matter may be to your undoubtedly busy schedule, but I have reasons to be concerned about the Sentry Store videotape authenticity because I sat during trial in 2001 and heard untrue accusations by the prosecution for the very first time resulting in my "LIFE" sentence, and I am certain if the videotaped copy of the Sentry Store videotape is as clear as the "still images" taken by Deputy Kuntz as is stated in his 1-12-2001 report (Ex.C), I will be able to "blow-up" the images on the videotaped copy, especially if its copied onto a digital DVD disc as I've exhibited by sending you the disc which was provided to me (minus the Sentry Store footage), and have my conviction overturned because I was NOT wearing the shoes responsible for the bloody shoeprints as alleged by Ms. Opper. Hence, I am very grateful for your attention in this very important matter.

Respectfully submitted,



RONALD W. WOLFE, JR., #131124
Columbia Correctional Institution
2925 Columbia Drive
P.O. Box 900
Portage, Wisconsin 53901-0900

CC: file
D.A. Ms. Susan L. Opper

Stillie copies sent to parties



APPENDIX-#134

EXHIBIT
NO. H

AFFIDAVIT BY SHARON M. WOLFE

I, Sharon M. Wolfe, swear and depose that the following is true and correct to the best of my knowledge and belief.

1. That, on October 5, 2017, I received via the United States Postal Service photocopies from my son, Ronald (JUNIOR) Wolfe, he explained he had finally obtained from a legal d.v.d. from the Waukesha County District Attorney's Office in May 2017 after almost two years of requests and court appearances;
2. That, I immediately recognized the images in the photocopies as my son (Junior), and the clothing and shoes Junior was wearing as a purple and white Athletic shirt, black jeans, and black and silver gym shoes which I purchased for Junior, with Junior and my grandsons at some time in September of 2000, after Junior moved out of a residence he shared with a Ronald Carter, and after Junior left behind all of his clothing and shoes at Carter's residence when moving to his (Junior's) father's apartment in Waukesha on or about Sept. 14th 2017.

Respectfully dated this 10 day of October, 2017

Subscribed and sworn before me
this 10 day of October, 2017.

Sharon M. Wolfe
NOTARY PUBLIC, STATE OF WISCONSIN
MY COMMISSION EXPIRES 11-19-17.

Sharon Wolfe
SHARON M. WOLFE
103 N. Vida Street
BEAVER DAM, WI 53916

AFFIDAVIT

by: Jason J. Wolfe

I Jason J. Wolfe, swear and depose that the following is true and correct to the best of my knowledge and belief:

1. That, I am the natural brother of Ronald Wolfe, Jr., (JUNIOR), who for approximately 17 years has asserted he was wrongfully convicted of First-degree MURDER, and that he was not wearing Nike shoes that the Waukesha County Prosecutor accused Junior of wearing throughout his March 2001 jury trial;
2. That, prior to Junior's arrest in September 2000, I spent a significant amount of time around with Junior and recall Junior's Black + Silver (grey) Reebok shoe which were purchased for Junior by our Mother, Sharon Wolfe, because Junior moved back to the City of Waukesha and left most of his clothing and shoes at a friend's residence when moving.
3. That, at no time following Junior's arrest and trial for first-degree Intentional Homicide did anyone question me or members of my family about the shoes typically worn by Junior.

Respectfully dated this 9th day of October, 2017.

signature: Jason Wolfe

JASON J. WOLFE
304 S. University Ave.
BEAVER DAM, WI. 53916

Signed and sworn before me
this 9th day of October, 2017.

Notary Public
NOTARY PUBLIC, STATE OF WISCONSIN
My Commission Expires 11-19-17.

APPENDIX #209

44:16

DVD



APPENDIX #210



01:38:19

DVD



ctrl+click to snap to video size

APPENDIX #211





APPENDIX #212

01:38:13 DVD [stop] [play] [next] [volume] [mute]

APPENDIX #213



01:38:12

DVD

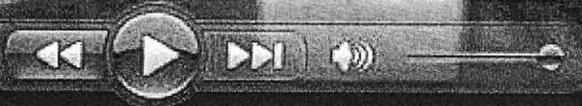


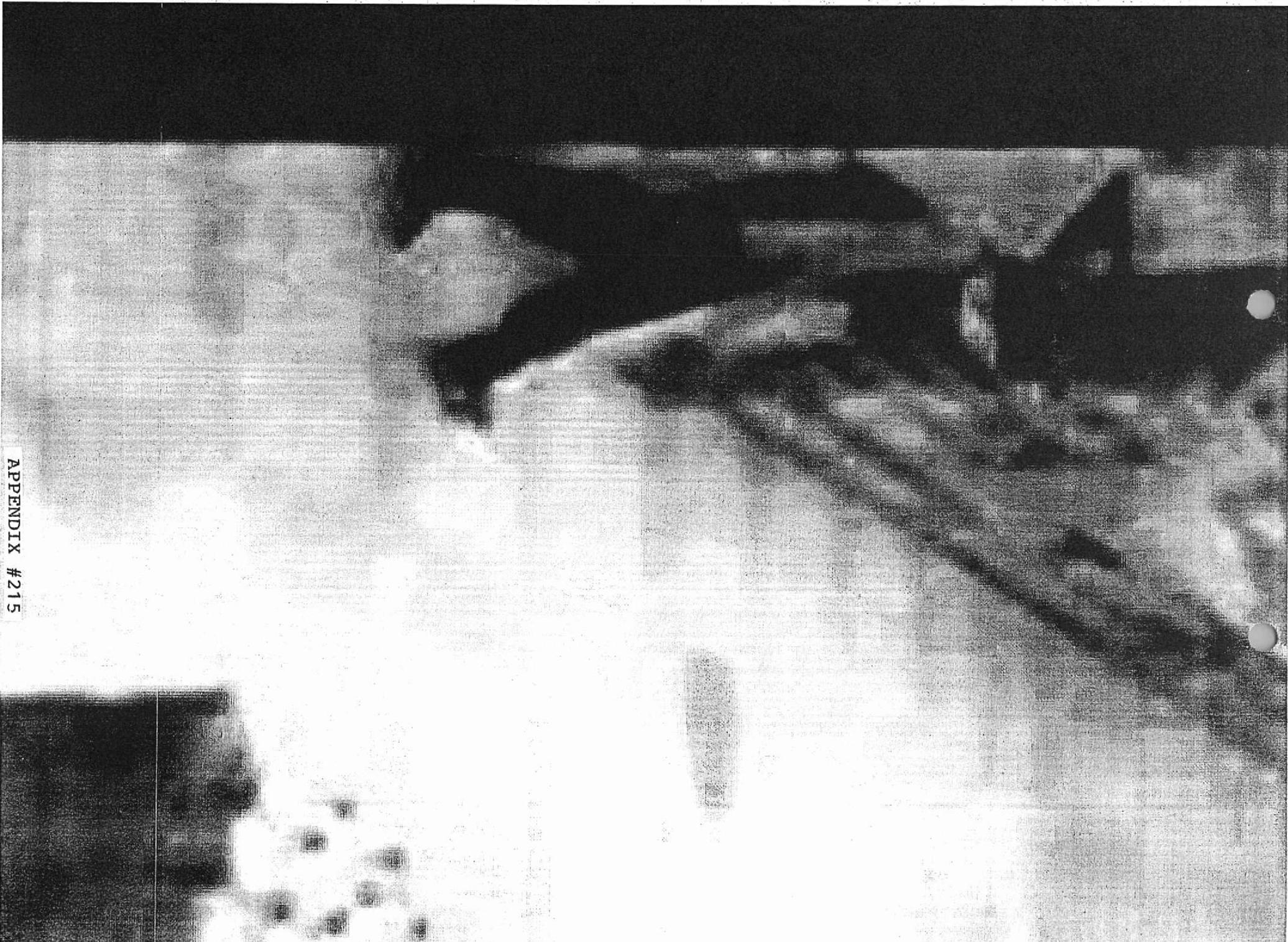


APPENDIX #214

44:03

DVD





APPENDIX # 215

APPENDIX #216



01:38:10

DVD



APPENDIX #217



01:38:09

DVD





APPENDIX #218

01:38:09

DVD ▾





APPENDIX #219

01:38:08

DVD





APPENDIX #220

01:38:08

DVD



APPENDIX #221



01:38:16

DVD



APPENDIX #222



APPENDIX #223



44:38

DVD





APPENDIX #224

44:39

DVD



APPENDIX #225



44:40

DVD





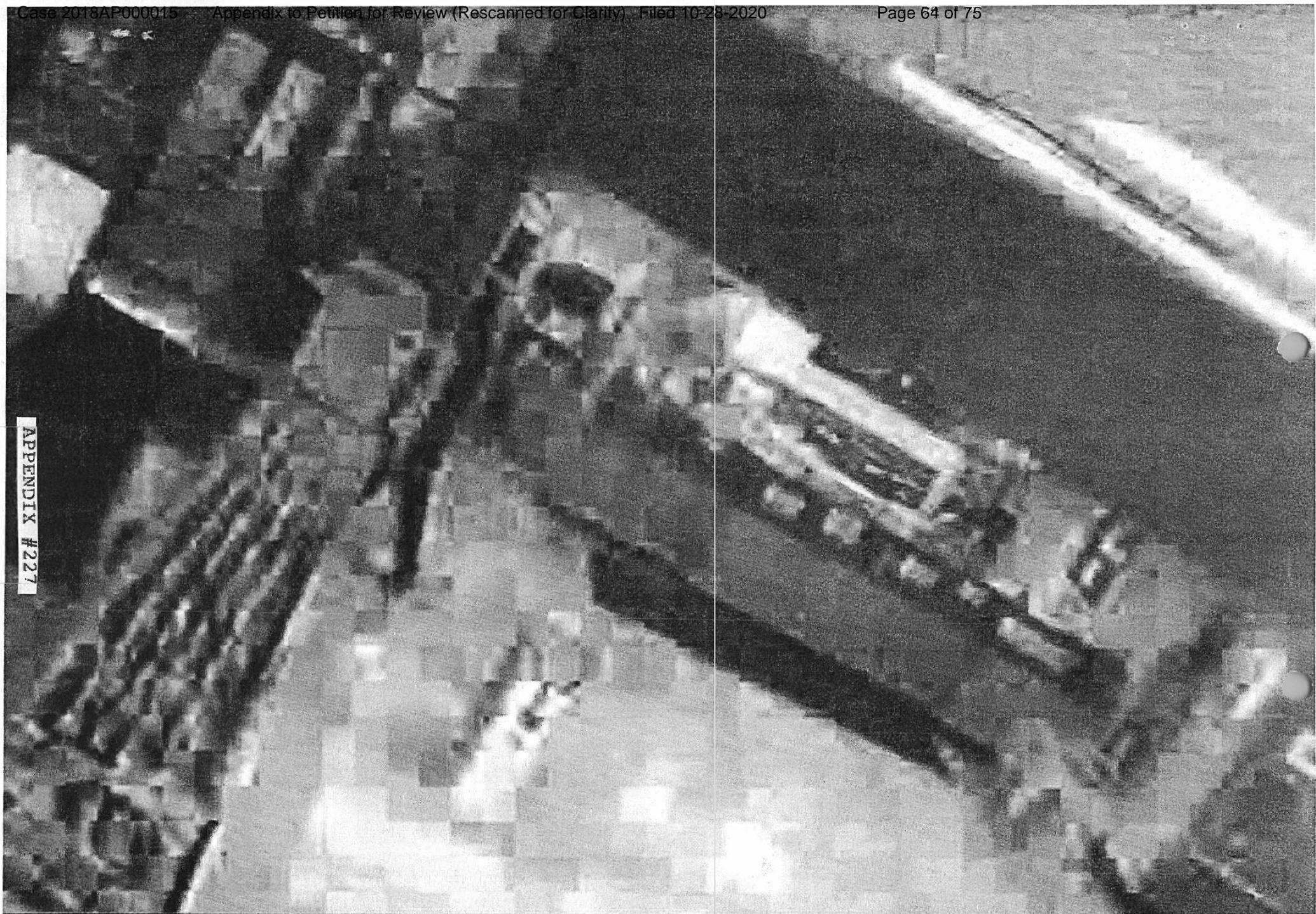
APPENDIX #226

44:40

DVD



APPENDIX #227



44:41

DVD





APPENDIX #228

45:03

DVD





APPENDIX #229

45:03

DVD





APPENDIX #230

APPENDIX #231



45:16

DVD



APPENDIX #232



45:12

DVD





APPENDIX #233

45:12

DVD





Double-click to go to

APPENDIX #235

45:13 DVD [stop] [play/pause] [next] [volume] [mute]



APPENDIX #234

45:13

DVD



APPENDIX #236



45:14

DVD





APPENDIX #237

APPENDIX #238

