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APR 30 2025

**SUPREME COURT
OF WISCONSIN**Matthew Skamfer,
Petitioner-Defendant,

Case no.

CLERK OF SUPREME COURT
OF WISCONSIN809.70 / Habeas
Corpus

Hon. Judge Wickstrom And

Hon. Judge Barna

Statement Concerning RespondentMailing Affidavit

Both Hon. Judge Wickstrom and Hon. Judge Barna mailed copies as both should have inherent power to stay or direct ALJ to re-scheduled 4-29-25 video hearing until Madison Public Defender's provide.

Petitioner denied counsel within meaning of law as purported trial attorney Kirby Harless, supervisor in Chippewa Public Defender office in present cases in Hon. Judge Barna's court is protecting supervisor in Eau Claire Public Defenders Office Attorney Raymond who is alleged to being ineffective in Hon. Judge Wickstrom's court in Rusk County, she was substituted, Rusk County cases 23 CM 9 & 10, 23 CM 65, 22 CF 86. Harless also has wife employed as judge in Eau Claire County. No counsel provided yet as Harless protecting Supervisor Raymond, continually cutting conversation off, not gathering material evidence and trying to pretend the upcoming ALJ hearing not void, putting his concerns over defendant's right to vigorous conflict-free counsel is pitiful and appalling attempting to prevent Hon. Judge Barna from her independent duties to make sure proceedings fair, ex. 1

Cases
Attorney General ex rel. Bashford v. Barstow, 4 Wis. 567 (1853) -- 8
Carpenter v. County of Dane, 9 Wis. 249, 274 (1859) -- 7

Petitioner handed
copies for
mailing to clerk
court on 4-22-25.
Since \$350
filing fee
coming with
original copy
for Wis. Suprem
Court. Hon.
Judge Barna
and Hon. Judge
Wickstrom
will get copies
sooner, true
and correct under
penalty of
perjury. 28
17%
VSL

Matthew Skamfer
4-22-25

Cook v. Cook, 208 Wis.2d 166 (Wis.1999) -- 6
 Dietz v. State, 149 Wis 462 (1912) -- 7
 Fareta v. California, 422 U.S. 806, 819 (1975) -- 7
 Interest of R.L.C. v. State, 338 N.W.2d 506 (1983) - 4
 Saint John's Cmty's., Inc. v. City of Milwaukee, 982 N.W.2d 708 (Wis. 2022) -- 7
 State v. Anderson, 219 Wis.2d 739, 746 (1998) - 4
 State v. Bangert, 131 Wis.2d 246, 274-75 -- 5
 State v. Darby, 317 Wis.2d 478 (ct.App. 2008) -- 6
 State v. Giebel, 198 Wis.2d 207, 212 (ct.App.1995)-5
 State v. Halverson, 953 N.W.2d 847 (Wis. 2021) - 8
 State v. Jenich, 94 Wis.2d 74, 80 (1980) -- 4
 State v. Kaye, 315 N.W.2d 337 (Wis.1972) -- 3
 State v. Klessig, 211 Wis.2d 194, 201-02, 03 -- 6, 7
 State v. Love, 218 Wis.2d 145 (1999) -- 2
 State v. Reppin, 35 Wis.2d 377, 384-86 (1967) -- 5
 State v. Street, 202 Wis.2d 533 (ct.App.1996) -- 2
 State v. Ziegler, 280 Wis.2d 860 (ct.App.2005) - 4
 Strickland v. Washington, 466 U.S. 688, 691-92 (1984) - 2
 U.S. v. Ziegenhagen, 890 F.2d 937, 941 (7th Cir.1989) - 2
 State ex rel. Fuentes v. Court of Appeals, 225 Wis.2d 446 (1999) -- 3
 Wheat v. U.S., 486 U.S. at 160-161 (1980) -- 2

<u>Const. Prov.</u>	<u>Other Authorities</u>
Wis. Const. Art. I, Sec 7 -- 6, 7	Neil GORUCK, A Republic
U.S. Const. Sixth Amend. -- 7	If You Can Keep It 195
	(1st ed. 2019) -- 8

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**SUPREME COURT
OF WISCONSIN**

Matthew Skamfer,
Petitioner-Defendant,

Pro-se by Necessity
Petition For Leave To
Commence An Original
Action 809.70/Habeas
Corpus

CLERK OF SUPREME COURT
OF WISCONSIN

V.
Hon. Judge Wickstrom
and
Hon. Judge Barna.

(a) (b) Facts And Issues

AFFIDAVIT OF
TRUTH

Trial Counsel Supervisor Harless
in Chippewa County Public Defender
Office Protecting Eau Claire Supervisor
Raymond who was ineffective in
Hon. Judge Wickstrom's cases of mine
in 23 CM 9210, 23^{cm} 65, and 22 CF
86 when part of this petition involves
deprivation of appeal counsel despite
Madison Office saying they would
appoint appeal counsel and indicated
they agreed irreparable injury was on-
going.

Sixth Amendment and Due Process
Clause Demands Redress.

Such Is Egregious And Almost
Denied Hon. Judge Barna Her
Independent Duty To Be Sure
Proceedings Appear Fair To All.
Due Process Requires Fairness.

Memorandum of Law

Trial counsel Kirby Harless being Public Defender Supervisor in Chippewa County is focusing on void administrative law judge hearing and attempting to deny Hon. Judge Barna from her independent duty to ensure I have vigorous representation and that all proceedings "appear fair" to all who observe them. Wheat v. U.S., 486 U.S. at 160-61 (1980). Trial judge required to hear from the lawyer when as here the "priors being used" as repeaters in Hon. Judge Barna's court stemming from the plea where petitioner contends attorney supervisor Raymond in Eau Claire office was ineffective in Hon. Judge Wickstrom's cases in Rusk County 23 CM 10, 23 CM 9, 23 CM 65 and 22 CF 86. ^{see} U.S. v. Ziegenhagen, 890 F.2d 937, 941 (7th Cir. 1989), Exh. 1.

Defendant herein meets Wisconsin's timely requirement regarding conflicts, ^{see} State v. Love, 218 Wis.2d 145 (1999); State v. Street, 202 Wis.2d 533 (Ct. App. 1996). Harm or prejudice necessarily follows from conflicting interests and conflicts analytically subspecies of ineffective assistance of counsel cases. Strickland v. Washington, 466 U.S. 668, 691-92 (1984).

It is highly unlikely counsel will admit to laboring under conflict of interest. ^{see} State v. Kaye, 315 N.W.2d 337 (Wis. 1972).

whether the ALJ Hearing void
due to unlawful plea or multiple
Punishment/Double Jeopardy; Judicial
Economy Dictates The Scheduled April 29th
2025 video Hearing Be Stayed.

As Defendant-Petitioner still awaiting appeal counsel from Rusk County cases 23 cm 10, 23 cm 9, 23 cm 65 and 22 cm 86 where Hon. Judge Wickstrom was trial judge. Defendant sketches Double Jeopardy and ineffective counseling rendering plea invalid to foster judicial economy giving the state chance to stipulate to reversal of said judgments or put eventual appointed appeal counsel in general direction as to merit of such appeal. Habeas Corpus proper forum regarding prejudicial denial of appeal counsel. State ex rel. Fuentes v. Court of Appeals, 225 Wis.2d 446 (1999).

(c) Statement of Relief: In event the state does not stipulate to vacate 23 cm 10, 23 cm 9, 23 cm 65 and 22 cm 86; Fuentes requires appointment of appeal

Counsel.

Sketch of Double Jeopardy/
Multiple Punishment Issue To
Further Judicial Economy

Wrongly Served 22 extra days.

Defendant had expectation of finality based on then-administrator of Rusk County jail assuring attorney Raymond of certain 20 days jail time and Huber release for serious medical wound with is still open with me still under daily anti-biotics. Defendant would never plead guilty despite then-jail administrator's assertions. I even talked to then-Sheriff Wallace day before the July 2024 Sentencing and he agreed to what then-jail administrator assured attorney Raymond. Thus I had reasonable expectation of finality. State v. Ziegler, 280 Wis.2d 860 (ct.App. 2005).

Wisconsin recognizes that Double Jeopardy clause is designed as much to prevent a defendant from being twice punished as being twice tried. Interest of R.L.C. v. State, 338 N.W.2d 506 (1983); review is de novo. State v. Anderson, 219 Wis.2d 739, 746 (1998), State v. Jenich, 94 Wis.2d 74, 80 (1980).

Sketch of Whether Plea Lawful To
Aid Eventual Appeal Counsel - Judicial
Economy

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CLERK OF SUPREME COURT
OF WISCONSIN

In Wisconsin, a plea is involuntary and not intelligently entered if trial counsel fails to inform trial judge of jail administrator's assertions that defendant specifically relied upon in entering plea. State v. Bangert, 131 Wis.2d 246 (1986). Due to trial counsel's ineffectiveness Hon. Judge Wickstrom could not properly conduct colloquy as to knowing and voluntary plea occurred. Any such plea cannot stand. Bangert at 274-75. Burden thus shifts to the state. at 274-75. Regardless of plea colloquies, withdrawal required as plea not knowingly or voluntarily entered. state v. Giebel, 198 Wis. 2d 207, 212 (Ct. App. 1995); state v. Reppin, 35 Wis.2d 377, 384-86 (1967).

Chief Primary Issues Underlying
This Original Action 809.70

d) Reasons Jurisdiction should Follow, Urgent Public Interests Exist, Defendants Don't Lawfully Sacrifice one constitutional right for another, Hon. Judge Barna in present cases 25 CF 43 & 48 & 76 should not be put in intolerable position of having me choose equal Constitutional

protections of Self-Representation and right to counsel when present trial counsel laboring under conflict of interest protecting another public defender supervisor over petitioner herein. No judge should be put to such spectacle; it is simply untenable when Wis. Const. Art. 1, Sec. 7 gives the defendant the right to self-Representation and right to counsel, only Wisconsin Supreme Court has overruling ability necessitating jurisdiction.
^{see} Cook v. Cook, 208 Wis.2d 166 (Wis. 1999).

As Self-Representation and Right to Counsel Co-Exist Both must Be Respected

The right to counsel "is of such fundamental importance that it attaches automatically at the commencement of adversary proceedings against a defendant" and non-waiver is presumed, State v. Darby, 317 Wis.2d 478 (ct. App. 2008). In State v. Klessig, 211 Wis.2d 194, 201-02 these rights co-exist. Art. 1, Sec. 7 gives the defendant the right to self-

representation "and" right to counsel. at 203. The right to self-representation is necessarily implied by the structure of the Sixth Amendment. Faretta v. California, 422 U.S. 806, 819 (1975). Juries may be swayed through hearing defendants themselves. Dietz v. State, 149 Wis.2d 462 (1912).

In Wisconsin, the conjunctive/disjunctive canon "and" requires both. (emphasis added). Saint John's Cmty S., Inc. v. City of Milwaukee, 982 N.W.2d 78 (Wis. 2022). Jurisdiction required to change language and overrule herein.

Wisconsin appears earliest state to recognize the right to counsel. Carpenter v. County of Dane, 9 Wis. 249, 274 (1859), our Wis. Const. Art. I, Sec. 7 appears only one of four or five states protecting both in text of state constitution.

The constitution tells the judiciary, no less than any other branch what we can do. Then chief Justice Whiton explained:

that the legal rights at issue were "fixed by the constitution," and the court if it has jurisdiction, is the mere instrument provided by

the Constitution to ascertain
and enforce their rights as
fixed by that instrument. Attorney
General ex rel. Bashford v. Barstow, 4 Wis. 567
(1853). The text of the Constitution reflects
the policy choices of the people. state
v. Halverson, 953 N.W.2d 847 (Wis. 2021).

The judges' job is to employ not
his own will but the traditional tools
of legal analysis. Neil Gorsuch, A Republic If
You Can Keep It 195 (1st ed. 2019).

Wherefore, pressing and urgent public
interests at stake. Only Wisconsin
Supreme Court can overrule and change
language in cases. Petitioner should not
be compelled to choose between Constitutional
Rights. Trial judges deserve better. Petitioner
restrained of liberty due to on-going
Constitutional violations described herein.

This Court should take jurisdiction.

Petitioner declares
factual statements are
true and correct under
penalty of perjury.
28 U.S.C. 1746
4-22-25

Respectfully,

Matthew Skamper pro-se
Rusk County Jail 4-22-25
311 E. Miner Ave.
Lady Smith, WI 54848

Name:	Matthew C Skamfer	DOC #:		Court Case No:	
Address:	Rusk County Jail 311 Miner Ave E Ladysmith, WI 54848 1829	Client ID:	CHF0017245		23CM10
		Incarcerated:			23CM9
					22CF86
SPD ID:	255400086A	SPD Case No:	25S-54-R-P00086		23CM65
Date of Birth:	1/29/1961	Telephone Number:	(715) 415-9449		

Nature of Case: **Description:**
973.10 Probation Revocation/Sentencing After Revocation 1 Cnts:
Charge Modifier

County and Court: Rusk **Branch:** **Judge:**
Next Court Appearance: **Facility:**
Hearing Date: Hearing Time: Hearing Info: Comments

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings

Attorney Name:	Kirby Harless	State Bar No:	1052405
Address:	10 N. Bridge Street, Suite 200 Chippewa Falls, WI 54729	Attorney Telephone:	(715) 908 8473
		Date Appointed:	3/31/2025
Appointed By:	Kirby Harless	Supervisor ID:	1052405
SPD Office Handling:	Chippewa Falls	SPD Office Phone #:	(715) 908 8473
Dated:	3/31/2025	Date OAC Printed:	3/31/2025

Office of the State Public Defender - Notice to Clients - File Retention Policy

When an attorney represents an individual, s/he makes and keeps a file of the documents and work done on the case. Attorneys on staff with the Office of the State Public Defender (SPD) create and maintain such files for each case. This notice applies only to cases handled by staff attorneys of the Office of the State Public Defender. If your case has been assigned to a private attorney, please consult that attorney about his or her file retention policy.

Upon the conclusion of the representation in this case, the SPD will, upon your request, deliver the original file or any portion requested, to you, along with any of your original documents or other property that the SPD has in its possession.

If you do not request your file, the SPD will retain it for a period of at least five years after the matter is closed. At any point during this period, you may request delivery of the file.

If you do not request the file before the end of the five-year period, the SPD may, in its discretion, destroy the file and its contents without further notice to you.

Exh. 1

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APR 30 2025

STATE OF WISCONSIN

CIRCUIT COURT

RUSK COUNTY

CLERK OF SUPREME COURT
OF WISCONSIN

25 CV 6034

STATE OF WISCONSIN

v.

Matthew Skamfer
Defendant.Affidavit AND
Response

1. If unlawful arrest occurred and illegal seizure, Defendant contends jurisdiction lacking,
2. I did reside at 911 E. 3rd st., S, Ludysmith. WI. I was attempting to find other living area,
3. Admits
4. Admits
5. Admits
6. Admits, Defendant was sleeping in vehicle. Pipe could of been placed.
7. Admits. These items were out of my possession,
8. Admits
9. Admits
10. Admits. out of my possession; could of been placed there.
11. Admits
12. Defendant contends illegal search and seizure, Defendant respectfully asks for all police reports involving Russel

Exh. 2

Miller. Defendant was told by several people shortly after Russel was arrested that cops were "after" me. Russel was arrested about 5 weeks prior to me. If officers involved were from both arrests; planted evidence likely.

13. Admits

14. My cash was due to recent family death and my attempt to locate camper or other living area. People where I lived had filthy animals and I have open wound and they wanted money I didn't want to borrow them.

15. Admits

Wherefore please direct plaintiff produce prior arrest reports involving Russel Miller and allow defendant keep his money, phone, whatever items deemed proper.

del to jail
sits for
ing on 4-16-
under 28
C. 1746 I
in this case
correct.
4-16-25

under 28 U.S.C. 1746

I declare under penalty
of perjury the above facts
true and correct. Matt Skanter 4-16-25

copy to court, D.A. Matt Skanter

Exh. 3

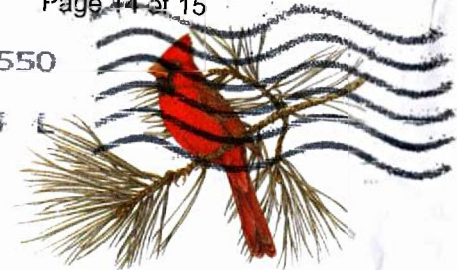
Respectfully
Matt Skanter 4-16-25

Berk County Jail
311 E. Main Ave
Lodi, CA 95240
54848

Matthew Farmer
Rusk County Jail
311 E. Miner Ave.
City-County Building
Ladysmith, WI
54848

SAINT PAUL MN 550

28 APR 2025 PM 4 L



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Clerk
Wisconsin Supreme Court
P.O. Box 1688
Madison, WI
53707-1688

53701-168888



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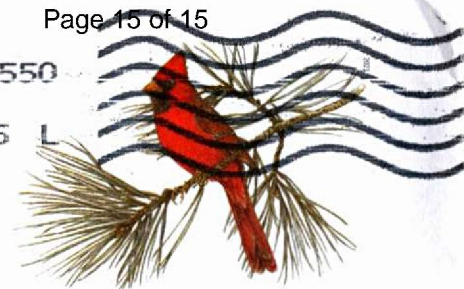
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RUSK COUNTY JAIL
311 MINER AVENUE EAST
LADYSMITH, WI 54848

Matthew Skanter
Rusk County Jail
311 E Miner Ave
City-county Building
Ladysmith, WI
54848

SAINT PAUL MN 550

28 APR 2025 PM 5 L



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clerk
Wisconsin Supreme Court
P.O. Box 1688
Madison, WI
53707-1688

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