

STATE OF WISCONSIN

SUPREME COURT

Warren Slocum

2220 122<sup>nd</sup> St.

New Richmond, Wisconsin

54017

(715) 248-3150,

Appellant

vs.

Doug Rivard

2286 100<sup>th</sup> St.

New Richmond, Wisconsin

54017

(715) 248-3741,

Respondent

Petition to Review

**FILED**

SEP 21 2009

CLERK OF SUPREME COURT  
OF WISCONSIN

Case number 2008 AP 2256

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## Statement of the case

The Court is petitioned to review this case that concerns the actions of a corrupt local politician accused of several violations of law, within office. Lower courts have overlooked these documented, incontrovertible, and undeniable abuses of power, and prematurely refused the opportunity to fully present evidence in this case.

The Appeals court has acted inconsistently in issuing it's latest decision, after previously returning the case to the circuit court, along with instructions in how a decision must address the issues of the case, in order to be final. Included in these instructions to the circuit court was specific case law information about how the substantive merits of a case determine whether or not it can be found to be frivolous. Each lower court has ignored evidence illustrating the substantive merits of the case, and asserted that the case is frivolous. Since the case itself was never fully presented in any court, these assertions of frivolity by the lower courts are therefore premature, and prejudiced.

Documentary evidence that has already been presented into the record of the case indicates the Respondent's actions have defrauded the State of thousands of dollars, but neither lower court has addressed this serious and obvious violation of law, or others.

Instead, lower courts have been quick to believe the unsubstantiated defense posturings that the Respondent is being unduly accused by a malicious citizen.

Since the Respondent is shown to have violated state laws, through evidence that is both definitive and incontrovertible, his defense has realized how difficult it would be to actually address the issues, so it has instead distracted attention from these misdeeds of the Respondent, by instead accusing myself (Petitioner) of malicious intent, in bringing

this action to the judiciary. Such backlash against a whistleblower is common, but it should not be taken seriously by those with judicial experience.

It is not uncommon to have politicians guilty of fraudulent behaviors, and this kind of activity isn't limited to former governors of Illinois, or Senators from Alaska. In each of those recent cases, and other historical instances as well, there were vigorous denials of any wrongdoing on the part of the wrongdoers, and accusations of harassment from those bringing the perpetrators to justice.

In Wisconsin, anyone can, in the name of the State, bring this kind of legal action against a corrupt official, when a local District Attorney won't act on a complaint. That's what this case is about---holding an official responsible and accountable for misdeeds in office.

### **Issues of the Case**

Issues of this case that deserve the Supreme Court's attention and correction include the lower courts' inconsistencies with their own decisions, and a premature, improper application of laws that do not apply, since this case has a solid, sound substantive basis that is clearly indicated by the evidence, both that which has already been submitted, and that which has yet to be examined by the judiciary.

The laws involving frivolous lawsuits should not be improperly applied whenever an objectionable issue or case comes before a court. When a court attempts to rid itself of difficult issues or cases before it, there could be a temptation to assert that such an unpopular case is frivolous, simply to dispense with it without treating the matter seriously.

In this case, we have a local judge protectively treating a golf buddy in a privileged manner, in order to insulate the accused from prosecution.

### **Reasons for Review**

1) The Supreme Court's review of this case will help to clarify the way lower courts apply the laws involving frivolous cases. Rather than simply allowing lower courts to deem a case to be frivolous without fully examining it, lower courts should be reminded that they cannot determine whether or not a case is truly frivolous unless they first examine it fully. No proper determination of frivolous can be made before a case has been presented in court. It is not the kind of decision that can be made cavalierly, without looking at the issues of each individual case fully.

2) The resolution of these issues will have a statewide impact, since other circuit court judges may similarly abuse their discretion in labeling cases as frivolous, when those cases may instead be viable ones, with substantive merits that deem them fully worthy of a court's attention.

3) The recent Appeals Court decision is in conflict with other Court of Appeals decisions, namely it's own, for this same circuit court case, where the Appeals Court earlier determined the same circuit court judge's avoidance of the issues of the case does not constitute a final decision.

4) The recent Appeals Court decision ignores and overlooks several specific references

to particular documented instances of significant importance. In doing so, it claims, for example, that permission was not requested for the use of an amended complaint and summons, when many such requests were, in fact, made to the circuit court, and granted by it. These are errors of cognitive perception that deserve to be recognized and corrected. In typecasting the case, and categorizing/classifying it in a certain way, there is no proper examination of the particular circumstances of this individual, specific case. The Appeals Court displays it's inattentiveness to the details of the case, in it's decision to affirm the lower court's decision.

#### **Argument**

It's bad precedent to allow judges to dismiss cases they're uncomfortable with for any reason, under the pretext of such a case being "frivolous". In this case, it allows one to protect a friend and golfing buddy from appropriate prosecution under the law.

It is the duty of the judicial branch of government to hold officials accountable and responsible for their actions within office. There is no legal provision for protecting them from prosecution by shielding them behind fabricated barriers of inapplicable laws, while ignoring those that are violated.

The process of judicial procedure must be faithfully adhered to and respected, if there is to be integrity within the process. A defensive accusation of frivolous may push a hot-button for judges, evoking a knee-jerk response with them, but an accusation of frivolity alone does not equate with an automatic assumption of credibility for such an assertion.

The frivolity of a case can only be decided after a case has been presented. It cannot be determined before a full presentation of the case has been made. Since the case has not been fully presented, there can be no proper decision about it's frivolity.

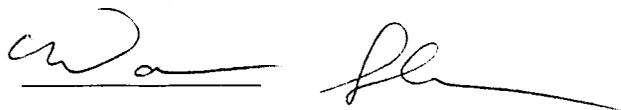
#### **Appendix**

This petition makes reference only to cases, laws, and information contained within the record of this case, and briefs already submitted to the Court of Appeals, for this case in particular. It would be unnecessarily redundant to duplicate them within this document.

#### **Certification**

I certify that this brief conforms to the rules contained in s. 809.19(8)(b) and (c) for a brief produced using the Proportional serif font. The length of this brief is 1238 words.

Dated this Sept. 15, 2009



Warren Slocum, pro se