

U.S. Court of Appeals For The Seventh Circuit 219 Dearborn St. Chicago

U.S.C.A. 7th Circuit
CLYDE B. WILLIAMS
Plaintiff(s),Mr. Clyde B. Williams
C.C.I. #022193 HU-6
P.O. Box 900 Room #29
Portage, Wis, 53901

MAR 03 2016 #5

GINO J. AGNELLO
CLERK
Warden Mike Dittmann,
Defendant(s).Circuit Court
Clerk Rose Lee
730 Wisconsin Avenue
Racine, WI. 53403APPEAL TAKEN FROM THE UNITED
STATES DISTRICT COURT WESTERN
DISTRICT OF WISCONSIN Case No.
15 C 170 jbpCase No. 96-CF-826 - Dismissal
Case No. 20-Cf-710 - Acquittal
Case No. 00-CF-558 - AcquittalJURISDICTION STATEMENT: IS ON A FINAL DECISION: 28 U.S.C.S. §1291
(515 F.3d 1,3)Grounds: CIVIL RIGHTS ACT, 42 U.S.C. §1983 < Under The United States -
Constitution Amendments: 5th, 6th, 7th, 8th, 9th, 13th, 14th, 15th, 19th, And
WILLIAMS' is Pleading A JUDGMENT Wis, Stat. §971.28 See, EXHIBIT-13 this is
A Judgment OF ACQUITTAL under Wis. Stat. §.972.13(6) This Circuit-Court Decree
Is Virtually Identical to the Fed. R. 29 (A) (B) & (C) - ACQUITTAL crim Law.1. Purpose OF Appeal:

Is The Vindicate of Williams' Fraudulent-Imprisonment Claim: Taylor v. U.S., Prob Office, 409 F.3d 426, 428-29 (D.C. cir. 2005) Reversing, dismissal For failure to state claim, because district court erroneously - Concluded inmate's suit was barred by favorable ("Heck") termination Rule., and that Rule dose not Applied because Williams' IS: PLEADING A JUDGMENT See Wis. stat. §971.28 Also @ Wis. Stat. §806.01(A)(B)(C) 1989-1990 stat. Book-5 Page #4376

2. Controlling Authority Review OF Evidence:Evans v. Michigan, 133 S.Ct. 1069 Cited At [6] Our cases defined an Acquittal to encompass [*1075] Any ruling that the Prosecution's proof Is insufficient to establish criminal liability for an offense. Thus this factual finding appear in the Record at: see EXHIBIT-ACQ Here the Transcript show: Motion §972.10(4) Was Granted; Also see EXHIBIT-G1 Here the Judge said: He did feel there was Enough evidence Also see EXHIBIT-2 Here the Judge said: Williams was incarcerated at The time of the offense & see EXHIBIT-AA Here Williams' can show he Was in Prison on June 7, 1990 When charged in this NO. 00-CF-558 was file3. RELIEF SOUGHT:Williams' Discharge Motion Should be Immedtely [Granted] under Cody v. Henderson, 936 F.2d 715, 720-21 (2d cir. 1991): "Egregion" Cases Williams' Case is ["Egregion"] because Williams Was ordered Discharge on 09/14/2001 Also Williams' Seek 100-Thousands-Millions U.S. \$.dollars each day of Each day of FRAUDULENT IMPRISONMENT; Fraudulent because see EXHIBIT-13 Crawford-EI v. Britton, 523 U.S. 574, 590-91 (1998): Officials are held be Aware of the ["Laws"] Governing their Conduct. Also Williams' motion For A Relation Back in (113 fed. appx, 709) 122 S.Ct. 1145 (2012 U.S. Dist Lexis 77905 supplemented permission amended Relation Back Rule 15 (c). Prejudice 28 U.S.C. §455(A); Judge Bias: 28 U.S. §144; Williams' Case is A MISCARRIAGE OF JUSTICE.

Mr. Clyde B. Williams 1

Date: MARCH 01, 2016

STATEMENT OF FACTS: 7th Cir.R.28(c)

Heck v. Humphrey, 512 U.S. 477, 486-87, 490 (1994) does not apply; Because Williams' is: Pleading A Judgment, See EXHIBIT-13 & EXHIBIT-CA-1 Prove's Conviction was already set Aside & Invalid and the Citing: (2000 WI App 162) ID.At, [P.19] A Discharge date signals the end of A Criminal sentence, Inmate should be released from custody, the DOC's Authority over that person Has ceased.

Williams' is Pleading Judgment Under Wis.Stat §972.13(6) In Pleading Wis.Stat §971.28: A Judgment or other Determination of Proceeding before Any Court or Officer, it SHALL Note# that the word (SHALL IS Mandatory Language when it appeal in statute cited by-(Carson, 2015 WI 15) shall be Sufficient to state that the judgment or determination was duly rendered Or made or the Proceeding duly had.

Williams" has been Issuance A Judgment OF Acquittal Certificate Document Mark- EXHIBIT-13 This Application of statutes Requires that We FAITHFULLY Give Effect to the Laws enacted by the Legislature. Kalal v. Court, 2004 WI-58, P44, 271 Wis.2d 633, 662, 681 N.W.2d 110, 123-124 ("it is the enacted Law, Not the unenacted Law & So Case No.00-CF-558 The penal statute is under The unenacted Law Wi.Stat. §948.02(1) this is A Violation of the holding: In-Miller v. Florida, 482 U.S. 423(1987) & Also see Ross, 412 F.3d 771, 774 (7th Cir.2005) & Rosin, 892 F.2d, 649, 651 N.1 (7th Cir.1990) Also see:

Plyler v. Moore, 129 F.3d 728, 735 (4th cir 1997) EX POST FACTO violation by Amendment that unquestionably "Resulted in increasing inmate sentences Williams' has A 100-Years Sentences. Williams' Is Concern that no judge Will ever be FAITHFUL TO THE LAW in Williams' Case so williams' think The Judges are going to murder him with a unlawfully 100-years Prison Sentence

In A Jury Trial

The Primary finders of fact are the jurors. their overrig responsibility

IS To Stand between The Accused & A Potentially Arbitrary OR Abusive Government that is in Command of The Criminal Sanction. For This Reason, See WI. Stat § 903.03 (2) A TRIAL Is Prohibited from entering A Judgment of Conviction OR Directing The JURY To Come Forward With Such A Verdict.

SPART 156 U.S. 51 105 (1895). [573] Carpenters, 330 U.S. 395 408 Regardless of how overwhelmingly The evidence MAY Point in That Direction, The Trial Judge is Thereby barred from Attempting To Override OR interfere With The Jurors' Independent Judom. A MANNER CONTRARY To The Interests OF The Accused. The

Judge Violated This Law of Substantive Due Process. Also See Muentzer, 138 Wis. 2d 374 (1987) The Judge Violated This by Entering A Judgment of Conviction. Johns, 96 Wis. 2d 183, 194

Statement OF Claim:

WARDEN Mike Dittmann IS BEING Sued in his
Individually and in his Official Capacity To Redress
The deprivation, OF State Laws, OF Right Secured by The
Constitutions OF The United States For Acted under The
Color OF LAW

Respondent IS Legally Responsible For The welfare
OF All The Inmates At C.C.I. Relevant To This
Complaint IS A Circuit Court Order, MARK*

EXHIBIT-13 Judgment OF Dismissal / Acquittal under
Wis. Stat. § 972.13. (6*) This Stat IS A Order For

Williams' To Discharged, BECAUSE: IT'S SAYS IT IS
ORDERED The defendant is discharged + And Any
Bond Posted not Otherwise Forfeited is To be Returned.
BY The COURT: Date, Sep 14, 2001

Now This IS The Reason

Why The WARDEN IS BEING Sued: The WARDEN
SAID He have not Receive EXHIBIT-13 See The
WARDEN Letter. MARK EXHIBIT-W DATE, 01/20/2015

Williams' have 13- COMPLAINTS OF: FRAUDULENT-
IMPRISONMENT

ONI File Here At C.C.I

So The WARDEN Letter - EXHIBIT-W Show deliberately
Indifferent To Repeated Violations OF Williams'
Clearly Established Rights: That The DOC fail [ed] To
Maintain Accurate Records [**31] Cited by [2014 WI. 19]

Mr. Clyde B. Williams

3.

Date, 03/01/2016

Williams has a Right: Wis Administrative Code, The
To DOC To MAINTAIN ACCURATE RECORDS + The
Policy DOC 310.01 (g) To CORRECT ANY ERRORS +
Deficiencies IN Correctional Policy Through Questioning
Review Doc 303.82 (d) Warden's decision Here The

Warden's decision Show: Citing Helling 509 U.S. At. 35-36
A determination of Deliberate Indifference Id At.
Exhibit-W The Warden Said: I Trust This Addresses Your
Concerns + This Issue will not be Addressed Further
Williams has A Court Order To be Discharged under

Wis. Stat. § 972.13 (b) Date of Discharge (Sep 14, 2001)
Williams' Assert his Right is Clearly Established
Law See: OAI Policy # 302.001 F. UPON RECEIVING
A COURT ORDER RELEASING THE INMATE, THE DEPARTMENT
"SHALL" RELEASE THE INMATE WITHIN 6 WORKING DAYS

As defined In § 227.01 (14) + As Computed in § 990.001
Refer To Records Office Procedure 045

The Honorable District Judge James O. Peterson Said:
The Word [Discharge] is the Cause of Some
Confusion. In Reply To The Presiding: ~~See~~ ~~the~~ ~~stat.~~

Judge The Honorable Peterson: See Wis. Stat § 968.205 (b).
Preservation of Certain Evidence Discharge "date"
MEANS The date on which a person is Released or
Discharged from Custody that Resulted from A
CRIMINAL ACTION.

Mr. Clyde B. Williams

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Date 09/01/2016

Williams' Has Presented:

Substantial Evidence of Prima Facie That Is Under Wis. Stat § 889.08 Certification Presumption Evidence And The District Judge Never Rule on The See The Evidence MARK* Exhibit-CA-1 This Evidence Show That The Court:

Of Appeals Lacks Jurisdiction Over The Appeal See GUY, 140 F.3d 735, 736 (7th Cir. 1998) Appellate Jurisdiction barred Because notice of Appeal was untimely Fed. R. App. P. 4 (b)(3)(A) Also Hirsch, 207 F.3d 928, 930-31 (7th Cir. 2000) Also See Berman 378 U.S. 53-530-31 (1964) + DUMAS, 94 F.3d 286, 289 (7th Cir. 1996)

Case NO. 00-CF-558 IS Controlled ONLY by Wis. Stat 1990-Law See Wis. Stat § 88.38 (2) The LAW THAT WAS IN EFFECT AT THE TIME ALSO See Wis. Stat § 990.04 Preserve All Right Which MAY HAVE Arisen before The Repeal of A Statute, Waddell, 271 Wis.2d 176 And See. Wis. Stat. § 939.10 Provides That ONLY Those Acts Which Are Made Crimes by Statutes Constitute Crimes.

Williams' has Assert There is A Invalidated of Conviction On The Grounds of Affirmative Defence under Wis Stat. § 939.74 (1) + The District Judge Just Ignore This Evidence., That: Heck v. Humphrey, 512 U.S. 477 486-87 (1994) Do not APPLY To Due Process Claim

See, Vans de KAMP v. Goldstein, 555 U.S. 335-348-49 (2009) Also See Buckley v. Fitzsimmons, 113 S.Ct. 2606 (1993) Williams' has been RAILROADED by FABRICATING Evidence

Mr. Clyde B. Williams

5.

Date, 03/01/2016

Showing A Pattern OF Violating:

A PRACTICE OF 42 U.S.C. § 14141(A) IT SHALL BE UNLAWFUL FOR ANY GOVERNMENTAL AUTHORITY TO ENGAGE IN A OF CONDUCT [***102] BY-(131 S. CT. 1350) BY LAW ENFORCEMENT OFFICERS THAT DEPRIVES PERSONS OF RIGHTS:

PROTECTED BY THE CONSTITUTIONS 15 U.S.C. § 6104 (A) WILLIAMS' IS ADVERSELY AFFECTED BY A PATTERN FOR 18-YEARS OF FRAUDULENT- IMPRISONMENT. FRAUDULENT BECAUSE: WILLIAMS' HAVE BEEN ISSUANCE A CERTIFIED ACQUITTAL + EVERY JUDGE THAT SEE IT PLAY THEY DON'T UNDERSTAND IT.

THE JUDGES PLAY LIKE, THEY DO NOT UNDERSTAND: WIS. STAT § 972.13 (6) IS A CIRCUIT COURT DECREE- FOR A JUDGMENT OF ACQUITTAL. THE JUDGES ONLY SEE THE FABRICATION OF THE PROSECUTOR NEVER DISMISS ANY CHARGES. LIKE IT APPEAR HE IS SAYING ON THE FACE OF EXHIBIT- 13 PER MOTIONS

THIS STATEMENT IS FRAUD BECAUSE LOOK AT JURY VERDICT YOU'LL SEE THE SAME CHARGES UNDER PER MOTIONS AND WIS. STAT § 970.03 (10) ANY COURT ORDERED DISMISSED "SHALL" NOT BE THE BASIS FOR A COURT IN ANY INFORMATION FILED PURSUANT TO CH. 971 SEC § 970.04 "SHALL" APPLY TO ANY DISMISSED COURT.

WILLIAMS' ASSERT THE WORD ["SHALL"] WHEN IT APPEAR IN A STATUTE IT'S MANDATORY SEE COOKE. 131 S. CT. 859, 862 (2011) THE FRAUD IS: THESE CHARGES ARE DISMISSED UNDER WIS. STAT § 972.10 (4) ORDER OF TRIAL: AT THE CLOSE OF THE STATE'S CASE + AT THE CONCLUSION OF THE ENTIRE CASE THE DEFENDANT MAY MOVE ON THE RECORD FOR A DISMISSAL

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
OFFICE OF THE CLERK
219 SOUTH DEARBORN STREET
SUITE: 2722
CHICAGO, ILLINOIS 60604

Dear Appeals Deputy,

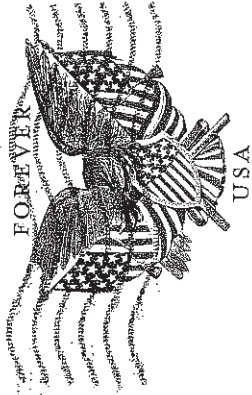
I am enclosing a notice of appeal that was received by this court on March 3, 2016. I am enclosing this document for proper filing with your court. Please file the notice of appeal using our received stamp date pursuant to F.R.A.P. 4(d). Please make up and send us a short record in this case.

If you have already received this notice of appeal, please disregard this document.

Sincerely,

Pro Se Clerk

Mr. Clyde B. Williams #022193
C.C.I. Hv-6 Room #29
P.O. Box 900
Portage, Wis. 53901



MINNEAPOLIS MN 553

25 FEB 2016 PM 31

United State Court of
Appeals For The Seventh
Circuit 219 S. Dearborn St,
Chicago, IL. 60604-1874

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