UNITED STATES POSTAL SERVICE. Retail

US POSTAGE PAID
$9.85
Origin: 96746
04/24/24
1436000630-05

PRIORITY MAIL®

0 Lb 8.60 Oz
RDC 03

ECTED DELIVERY DAY: 04/29/24

C017

7525 W GREENFIELD AVE
MILWAUKEE WI 53214-4648

USPS TRACKING® #

9505 5104 3712 4115 0952 81

RACKED ▪ INSURED

PS00001000014

PRESS FIRMLY TO SEAL

PRIORITY MAIL
FLAT RATE ENVELOPE
POSTAGE REQUIRED

PRIORITY® MAIL

use.
e (restrictions apply).*
and many international destinations.
tion form is required.
ng claims exclusions see the
vailability and limitations of coverage.

To schedule free Package Pickup, scan the QR code.

USPS.COM/PICKUP

EP14F October 2023
OD: 12 1/2 x 9 1/2

PRIORITY® ★ MAIL ★

UNITED STATES POSTAL SERVICE®
VISIT US AT USPS.COM®
ORDER FREE SUPPLIES ONLINE

FROM:
WF
P.O. Box 1552
Kapaa, HI 96746

RECEIVED
MAY 01 2024
WEST ALLIS
CITY ATTORNEY

TO:
West Allis City Attorney
7525 W. Greenfield Ave
#232
West Allis, WI 53214

Label 228, March 2016
FOR DOMESTIC AND INTERNATIONAL USE

WF
PO Box 1552
Kapaa, HI 96796

RECEIVED
MAY 01 2024
WEST ALLIS
CITY ATTORNEY

West Allis City Attorney
7525 W. Greenfield Ave #2[illegible]
West Allis, WI 53214

No. ______________________

____

IN THE

SUPREME COURT OF THE UNITED STATES

RECEIVED
MAY 01 2024
WEST ALLIS
CITY ATTORNEY

____

WILLIAM CHARLES FROEMMING — PETITIONER
(Your Name)

VS.

CITY OF WEST ALLIS et al — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis.*

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

____

____

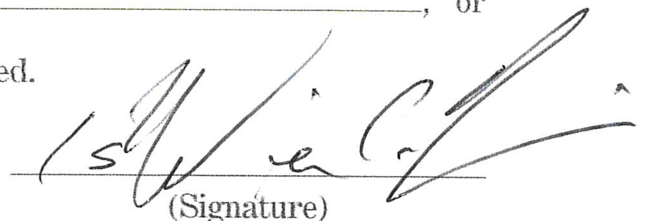
☒ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: ______________________, or

☐ a copy of the order of appointment is appended.



(Signature)

No. ____________

____

IN THE

SUPREME COURT OF THE UNITED STATES

____

WILLIAM CHARLES FROEMMING — PETITIONER
(Your Name)

vs.

CITY OF WEST ALLIS et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

WILLIAM CHARLES FROEMMING
(Your Name)

PO BOX 1552
(Address)

KAPAA, HI, 96746
(City, State, Zip Code)

414-979-9459
(Phone Number)

QUESTIONS PRESENTED

1. Whether a court can deny access to recordings of proceedings, thereby eliminating any checks and balances for accuracy of the transcripts produced.

2. Whether a court can ignore/suppress evidence of perjury by a witness under oath before the court and/or jury.

3. Whether a court can ignore evidence of false statements by counsel before the court and/or jury.

4. Whether a court can choose to not rule on and/or ignore factual arguments being made in official filings.

5. Whether a court can proceed in a case with a litigant bleeding in the courtroom without providing any pause or medical attention to the individual with such a medical emergency.

6. Whether a court can allow litigants to reveal via court filings, private, personal, protected information of an individual when such information has no statutory requirement, bearing or necessity in the relevant proceedings.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list of
all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Petitioner: William Charles Froemming

Respondents: City of West Allis; Patrick Mitchell; Wayne Treep; Lete Carlson; Ryan
Stuettgen

Counsel for Respondents: Kail J. Decker; Rebecca Monti

RELATED CASES

Froemming v. City of West Allis, et al., No. 19-cv-996, U. S. District Court for the Eastern District of Wisconsin. Judgment entered Jun. 14, 2023.

Froemming v. City of West Allis, et al., No. 23-2380, U. S. Court of Appeals for the Seventh Circuit. Judgment entered Jan. 24, 2024.

TABLE OF CONTENTS

OPINIONS BELOW.......... 1

JURISDICTION.......... 2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 3

STATEMENT OF THE CASE 4

REASONS FOR GRANTING THE WRIT 17

CONCLUSION.......... 18

INDEX TO APPENDICES

APPENDIX A - Portion of Patrick Mitchell deposition

APPENDIX B - U. S. District Court for the Eastern District of Wisconsin Judgment

APPENDIX C - U. S. Appellate Court for the Seventh Circuit Order

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix ______ to the petition and is

[ ] reported at ______________________________; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished to the best of my knowledge.

The opinion of the United States district court appears at Appendix ______ to the petition and is

[ ] reported at ______________________________; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix ______ to the petition and is

[ ] reported at ______________________________; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the ______________________________ court appears at Appendix ______ to the petition and is

[ ] reported at ______________________________; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 24, 2024.

[X] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: ____________, and a copy of the order denying rehearing appears at Appendix ____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including ____________ (date) on ____________ (date) in Application No. __A____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was ________. A copy of that decision appears at Appendix ____.

[ ] A timely petition for rehearing was thereafter denied on the following date: ____________, and a copy of the order denying rehearing appears at Appendix ____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including ____________ (date) on ____________ (date) in Application No. __A____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th Amendment to the United States Constitution

STATEMENT OF THE CASE

OVERVIEW

Petitioner WILLIAM CHARLES FROEMMING (hereafter referred to as "petitioner") filed a claim against respondents City of West Allis; Patrick Mitchell; Wayne Treep; Lete Carlson; Ryan Stuettgen (hereafter referred to as "respondent(s)") on July 12, 2019 under 42 U.S.C. § 1983. In prosecuting this case, the petitioner was subjected to extreme and severe prejudice from the U. S. District Court for the Eastern District of Wisconsin (hereafter referred to as "district court"). These prejudices were presented in rulings, lack of rulings, the court allowing perjury from witnesses and denying to even look at the evidence that would show this to be true. The petitioner was also forced to suffer the defense counsel being allowed to lie in discovery responses and other court filings with zero consequences. The Petitioner has been denied court material that could show additional laws being broken considering that there are multiple errors in the court transcripts in favor of the defense based on petitioner's recollection of statements made. This pattern of lies then extended to the respondents filings as well as the response from the U. S. Appellate Court Seventh Circuit (hereafter referred to as "appellate court"). It is as if the appellate court did not even read any of the facts of the case and the claims that were made in the appeal process much less review any of the underlying referenced material from the district court. The petitioner was also asked to continue the trial while blood was dripping from a wound on the back of his head while on blood thinner medication prescribed by his cardiologist. The list

goes on and on and the examples below will explain in sufficient detail the facts that will allow you to understand the grave violations of due process, a fair trial and simple human decency that the petitioner has suffered and why action must be taken to right these injustices.

As presented in the questions on page XX of this document, we have several issues in play all of which drastically affected the petitioner's right to due process and a fair trial.

> **Q1**: *Whether a court can deny access to recordings of proceedings are produced, thereby eliminating any checks and balances for accuracy of the transcripts produced.*

On two occasions the petitioner attempted to retrieve from the district court, audio recordings of the proceedings. September 23, 2022, Kristine Brah (Wilson) responded to respondent's request for audio recordings of some proceedings with "There is no audio for either hearing.". On August 19, 2023 Tom Malkiewicz responded with "Unfortunately there is no audio recording available. The court reporter takes down the official record and produces a certified transcript. That is the official record.". Without recordings, all litigants are left with no method to verify the accuracy of the transcripts. The petitioner views this to be a violation of the right to due process and a fair trial as guaranteed by the 14th Amendment to the United States Constitution (hereafter to be referred to as "14th Amendment").

We are all aware that a single word can make or break an argument or case in the judicial system, both civil and criminal. It is therefore paramount that the accuracy of the court transcripts be of the most perfected documents available in order to maintain balance on the tightrope of legalese. We are also all aware that

humans make mistakes, including transcribers/court reporters. The petitioner believes that there are numerous errors in the transcripts from the trial and other proceedings. By not allowing the litigants to verify the transcripts accuracy via audio recordings of the proceedings (nor allowing litigants to record proceedings on their own), the court and court reporter are violating the petitioner's right to due process and a fair trial in violation of the 14th Amendment.

> **Q2**: *Whether a court can ignore/suppress evidence of perjury by a witness under oath before the court and/or jury.*

On February 13, 2023 at the trial in district court, the petitioner was questioning respondent Patrick Mitchell, the Chief of Police for respondent City of West Allis. In this questioning, the respondent was asked why he chose to not respond to the complaint of perjury against respondents Treep and Carlson. Respondent Mitchell claimed that he *did* respond regarding perjury in his response letter written to petitioner's filed complaints "I did respond, and, again, to refresh your memory, my response was that even if true, these would not rise to the level of perjury."[1]. The petitioner indicated several times that respondent Mitchell did not in fact respond in his letter with anything related to the perjury charges. The petitioner asked if respondent Mitchell would now like to review that response letter in order to see that what he was saying was not true and then correct his testimony. Respondent Mitchell denied wanting to review this document which, if he had been telling the truth, would have proved that he was telling the truth. The petitioner then said to the court "Your Honor, I ask that his response be submitted

[1] 19-cv-996 #62 Pg210 ln8-10

to the record because he has referenced it and is claiming that he says one thing in that response, and I know it does not say anything such."[2]

This was a direct request to have this response letter written by respondent Mitchell to be submitted to the court record so that it could reflect that what he was saying on the witness stand was a lie. The court did not allow the document to be submitted. We have a witness that could be proven to be lying under oath, on a witness stand in a district court of the United States, and the judge does not want the document to be part of the record nor does he even want to review it himself to determine if a witness is in fact lying in his courtroom. This is a clear violation of due process and a fair trial for the petitioner and this alone should constitute not only a mistrial, but sanctions and or criminal charges for the parties involved. The petitioner also believes this is a violation of 18 USC §1512(b)(c)(d)(k).

In addition, the respondent Mitchell was asked a similar question on January 28, 2020 under oath in a deposition for this case.[3] He continually skirted the issue of not responding until he was presented with his response letter, and once he viewed said letter, he claimed that he did not respond because it was not perjury in his opinion (yet he chose to respond to other accusations that he did not feel were supported by the petitioners complaint letter). This is an additional indication that he did not respond in his letter to the charges of perjury in the complaints and was also shown and reminded that he did not respond. Based on this deposition testimony, his original response letter and his refusal to want to see the response

---

[2] 19-cv-996 #62 Pg210 ln17-20

[3] Appendix A - portion of Deposition of Patrick Mitchell on January 28, 2020 pg24 ln11 to pg28 ln5

letter in court are clear indications that he knew he was not telling the truth and he should be prosecuted for perjury as we have both false statement and his knowledge of the truth having been presented to him previously and also available at the time of his testimony.

To add insult to injury (and exacerbate the due process and fair trial injustices that had occurred in the district court), the appellate court in their ruling stated the following "He was permitted to question the chief about the letter, but he never offered it as evidence, so it was not published to the jury."[4]. It is uncertain where the appellate court could have developed such a notion, but as indicated above in the transcript quote, the petitioner clearly did ask that this response letter from the respondent Mitchell be submitted into the record as evidence. Even the Appellee's brief indicated "Froemming wanted to similarly publish the letter response written by Chief Mitchell to these complaints . . ."[5].

These efforts to deny and lie about what actually happened and was written in his official response is nothing shy of criminal and should be investigated for prosecution. In addition, this lying on the witness stand, and refusing to review the supporting document showing his inaccurate testimony show a continued pattern of lying by the WAPD including from their Chief Of Police.

Q3: *Whether a court can ignore evidence of false statements by counsel before the court and/or jury.*

The defense counsel throughout the prosecution of this case, thwarted the judicial process and violated several laws in the view of the petitioner thereby

---

[4] 23-2380 #25 pg2 ¶4 Appendix C
[5] 23-2380 #22 pg9 ¶1

violating not only the petitioner's rights to due process and a fair trial, but also victimizing the petitioner with criminal actions and intent. A single instance that happened during the trial and in front of the jury will be the only one presented here. Many others can be found in the district court documents[6] but this single instance is enough to warrant investigation and possibly prosecution of these individuals.

On August 22, 2022 the petitioner filed a motion to disqualify defense counsel[6]. This motion was based on lies they have told throughout the prosecution of this case. On February 13, 2023 during day 1 of the trial in the district court, the petitioner was questioning the respondent City of West Allis' police department records department lead Stephen Beyer. In questioning this individual about evidence that was not responded to when requested via discovery requests, he was not able to answer many questions because he did not in fact produce the records provided by the defense in the discovery process. It appears he was never even asked to do so. The defense counsel had instead taken the FOIA request responses to the petitioner's request prior to this case, and passed them off as proper discovery of the materials requested in this case. The petitioner had already shown that those responses were insufficient and incorrect on numerous instances when they engaged in this activity. As a result of the defense counsel admitting that they violated court rules by being the producer of the discovery responses (rather than WAPD records department providing them with what was requested), the court ordered the defense counsel to draft a letter to be read to the jury the morning of

[6] 19-cv-00996 #45-47

February 14, 2023 on the second day of the trial. The letter that the defense counsel produced was a lie over and over again. The particular issue in question was the discovery request of all log files for all dashcam videos of the officers involved on the night of the arrest. What had been provided was a single log file that was not for a dashcam video, but was instead a 5 second advertisement for the maker of the dashcams on the patrol cars. So the request of all log files for all dashcam videos had not been produced, and this had been pointed out to the court in the district court Motion To Disqualify Defense Counsel on August 22, 2022. The court had opted to do nothing about this lie in the discovery. Now the defense counsel must write a letter saying why the discovery response was not accurate and they try to tell more lies.

The lies included in this letter were:

1. The log file provided was not of a dashcam video
2. The log file provided was not for more than one dashcam video
3. The log file they referenced was claimed to be of a video that they had claimed all along never existed (a video from respondent Treep's dash cam).

The petitioner pointed out to the court that this statement contained lies, yet the court allowed the defense counsel to read these lies to the jurors without forcing them to correct the lies they had repeated. The petitioner believes that the response recorded in the transcripts regarding this letter and the petitioner's response are one of many inaccuracies in the transcripts. Regardless of whether the transcript is correct, the district court's actions (and inactions) allowed the jury to hear false

information on the respondent's discovery responses even though it had been brought up previously that it contained lies and those lies had already been presented to the court[7] many months prior. Such behavior by the defense counsel and the court are clear violations of the petitioner's right to due process and a fair trial as guaranteed by the 14th Amendment.

Q4. *Whether a court can choose to not rule on and/or ignore factual arguments being made in official filings.*

On multiple occasions, both the district court and the appellate court have simply ignored critical issues presented to them. Rather than responding with to many motions and issues raised, they simply chose to ignore many of them. There is no way in any reasonable person's world that this is appropriate and is clearly a violation of the due process and fair trial rights of the petitioner.

Although not all examples will be listed here for the sake of conciseness, here are the details of two such incidents.

On August 22, 2023 the petitioner filed with the district court a motion to disqualify defense counsel[7]. This motion was based on numerous lies told by defense counsel in the discovery process and proceedings up to that point in the case. In the district court's ruling on the motion to disqualify defense counsel[8], only 3 of the 7 lies laid out in document 45 from that case[7] and addressed none of the many lies that were presented in document 47[7]. By not addressing and correcting these egregious violations of the defense counsel, the court clearly showed negative bias towards the petitioner and prevented valid due process and a fair trial in this case.

---

[7] 19-cv-00996 #45-47

[8] 19-cv-00996 #49

In fact the court was even put in a position during trial to address one of these errors as a result of the court not having taken proper actions when the motion to disqualify was filed. And even then, the court allowed the respondent's counsel to tell the same lie in an official document presented to the jury as details above.

The appellate court seems to suffer from the same malady of putting their head in the sand when it does not want to address issues or has no valid legal argument with which to address said issues. As can be seen in the brief from the petitioner[9] to the appellate court, many issues were presented, but only two were addressed in the ruling that court issued. All others, including but not limited to, lying by defense counsel, violations of personal privacy rights, lack of recordings to be properly vetted, the district court judge threatening petitioner in sidebar, etc. By not addressing those issues that were presented, the appellate court clearly violated the petitioners rights to due process and a fair trial.

> **Q5.** *Whether a court can proceed in a case with a litigant bleeding in the courtroom without providing any pause or medical attention to the individual with such a medical emergency.*

On February 14, 2023, the petitioner ended up in the hospital ER with some head injuries. Released from the hospital 90 minutes prior to trial start time for that day, petitioner made it back to his hotel room, took a shower and went to the court house. On the way into the courthouse going through security, one of the security guards pointed out that there was blood dripping from the back of the petitioner's head. Out of respect for the court, the petitioner continued up to the

[9] 23-2380 #6

courtroom to request a pause in the proceedings so that additional medical attention could be obtained to stop the bleeding. The petitioner was then and is still on blood thinners prescribed by his cardiologist due to heart conditions. The petitioner multiple times requested a pause in the proceedings to seek medical attention and/or a mistrial be declared for the same reason[10]. The district court refused all such requests. One of the requests went as follows:

> ***MR. FROEMMING:*** *Do you really want me to proceed with the situation today while I'm still bleeding? Is that a proper way to run a courtroom?*
> ***THE COURT:*** *It's your day in court, Mr. Froemming.*
> ***MR. FROEMMING:*** ***And I have a medical emergency. I am bleeding.***
> ***MS. MONTI:*** *And just --*
> ***THE COURT:*** ***I don't see it that way.***
> ***MR. FROEMMING:*** *You don't see it that way? You don't see this blood coming off my --*
> ***THE COURT:*** *We're going to proceed. You should be concentrating on your --*
> ***MR. FROEMMING:*** *You should be concentrating on my safety. And you are not. Go ahead, hold me in contempt. Maybe I'll get some medical attention.*
> ***THE COURT:*** *You may invite the jurors in.*

Such inhumane treatment of any litigant is unconscionable. To think that we can not pause the proceedings long enough to get petitioner's head bandaged to stop the bleeding is unbelievable. The security guards on the way into the courthouse asked if I wanted to go to the courthouse nurse and I told them I needed to be in court and we would deal with it there. Yet the district court expected me to carry on with handling a federal civil rights case as both petitioner and attorney while petitioner is wiping blood from a wound

[10] 19-cv-996 #63 pg241-251

bleeding on his head while under blood thinner medications. It boggles the petitioner's mind, and the minds of anyone he has shared this with, that this is even possible, but the records clearly show this to have been the case.

To again add insult to injury (quite literally), the appellate court wants to believe that everything was fine and that the petitioner already had a bandage on his head and that the petitioner had accused the defense lawyers of the attack.

> *"On the second day of trial, Froemming appeared in court with a bandage on his head from an overnight injury. He claimed that he had been attacked the night before and insinuated that the defense lawyers had arranged the assault."*[11]

Not only did the petitioner not have a bandage on his head, but the petitioner never once insinuated the defense counsel had anything to do with an attack. The petitioner did conjecture that his injuries from the night before ***could*** have been related to the case but from the initial filing of the case, the petitioner had expressed concerns about his safety considering the vast powers of a police force as his enemy and their ability to retaliate against people in ways that could elude detection and identification. We all know this has happened and will happen again. May not have been the case here, this time, but the petitioner is still concerned for his safety and well being as well as the safety of those around him as a result of these proceedings. People are scared of bringing lawsuits against a lot of people, including powerful politicians, police forces are no different.

[11] 23-2380 #25 pg3 ¶2 Appendix C

Regardless of whether there was or was not a bandage, and regardless of how an injury was sustained, forcing a litigant to proceed with no assistance when they are bleeding from their head while under the influence of blood thinners is clearly a violation of due process and fair trial rights as well as the concept of basic human decency.

> **Q6**: *Whether a court can allow litigants to reveal via court filings, private, personal, protected information of an individual when such information has no statutory requirement, bearing or necessity in the relevant proceedings.*

The petitioner is a very private person. He is reluctant to give out address, phone number and other personal information to anybody. For his own protection, the petitioner maintains a post office box near his home so that he does not have to use his street mailing address when he chooses to not do so. Several times in the proceedings related to this case, the defense counsel has published[12], for no reason, the petitioner's home street address. The petitioner requested of the court in a verbal motion that this information be redacted as it had no relevance to the filings in question nor any relevance to the case whatsoever. The court denied this request claiming "it was a matter of public record". The case had been filed using the PO Box mentioned above, and there were zero indications that this was not allowed for the purposes of these proceedings. Redacting this information from the places where it was used in violation of the petitioner's personal privacy rights, would have

[12] 19-cv-996 #17 pg1 ln1, #17-7, #17-9, #17-10, #33 pg1 ln1

caused no harm to the defense, yet the court refused to do so because of the district court's negative bias towards the petitioner. The modern term "doxing" refers to individuals and entities publishing private details about individuals in order to expose their personal information. This is what was done by the defense counsel and the fact that the district court refused to redact said information showed clear bias violating the petitioner's rights to due process, a fair trial as well as petitioner's personal privacy rights.

REASONS FOR GRANTING THE PETITION

We have all grown up with the indoctrination that truth and justice are the American way, yet in this case we have the opposite of both not only being condoned, but assisted by the very bodies that are meant to uphold these principles.

People riot in the streets when they see the footage of LEO's abusing people in public, but we never see the riots for the injustices that happen in the courtrooms and in the prisons of this great country. Yet this is something that is happening every single day.

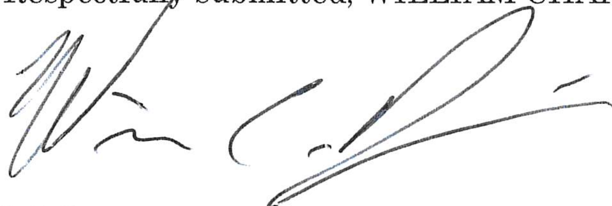
Petitioner has taken the route of using the system set up to address injustices in this case and has been shown that these injustices will not be checked without a fight and even then, grave violations of the basic principles of our society can be violated as the system chooses to pretend it just did not happen. If the judiciary wants to win back the trust of the people of America, it must not only hear, but justly rule on this case so that the actions presented above never happen in a courtroom in this country ever again without consequences to its perpetrators.

CONCLUSION

The details above paint a picture of injustice that is pervasive and detrimental to the fabric of society. Allowing witnesses to lie under oath, attorneys to lie in court filings as well as to jurors, exposing private personal details of individuals and refusing to redact such information, bias by the court to one side of the litigation, threats from the court towards a litigant and more are all unacceptable by anybody's standards and should certainly not be allowed in official proceedings that claim to be administering justice.

It is for this and many other reasons that will be presented if the court chooses to hear this case that this petition for a writ of certiorari should be granted.

Respectfully submitted, WILLIAM CHARLES FROEMMING.



PO Box 1552
Kapaa, HI 96746
414-979-9459
cadillac1960@yahoo.com

Date: April 23, 2024

1 all of these complaints into a single response
2 rather than addressing each complaint individually.
3 Why did you not address the complaints
4 individually?
5 A I consolidated them into one response. You are one
6 citizen; it's one incident. They arrived at the
7 same time. All three officers are involved in the
8 same incident. So even though you have different
9 allegations against each officer, it is one
10 complaint.
11 Q You addressed eight of my allegations. You did not
12 address the charges in my complaints of perjury
13 against Sergeant Wayne Treep and Officer Lete
14 Carlson. Why did you not address those complaints?
15 A Can you be more specific? I believe I did address
16 perjury.
17 Q I would be interested to see where.
18 A So my third bullet point is "Falsifying reports by
19 either outright lying or with errors." Sir, are
20 you talking specifically in court?
21 Q I'm talking about -- yes, during the court
22 proceedings, I have evidence that I believe amounts
23 to perjury. I gave you details on it for both Lete
24 Carlson and Wayne Treep. You've made no reference
25 to those charges, and you did not address how you

Appendix A

1 dealt with them.
2 A Right. So I do recall some of your allegations
3 about perjury. For example, with Officer Lete
4 Carlson, I believe you considered it to be perjury
5 if your ID was found in a fast food bag or on a
6 fast food bag, and please do not quote me on the
7 "in" or the "on". It was something very simplistic
8 like that. I am unaware of a single court in this
9 state that would view that to be perjury, and I
10 would not view that to be perjury either.
11 Q Okay.
12 A I believe another allegation that you made about
13 Sergeant Treep pertained to whether his emergency
14 lights were on or not on. Again, that would not be
15 perjury. The perjury statutes that are used in
16 state court and federal court have language that
17 the person who is allegedly committing perjury must
18 intentionally do so.
19 I don't believe the statute says
20 "intentionally". I believe it uses language such
21 as, "must not" -- "must believe it's not true." It
22 was a different language in the statute.
23 Q Very good. But you chose to not address these
24 because you thought they were, once again, minor;
25 is that correct?

1 A If true, perjury would not be a minor allegation;
2 but based on your complaint, there is not enough to
3 sustain a charge of perjury.
4 Q Can we go to Number 7 in Exhibit No. 1, Lete
5 Carlson's complaint.
6 A All right.
7 Q In here I talk about the fact that in West Allis
8 Municipal Court, she stated under oath when the
9 Honorable Paul M. Murphy asked her, "Did you hear
10 the engine running?" She said "No. It was a
11 brand-new car -- brand new Chrysler. They're
12 quiet."
13 Then on July 16th, 2018, before the
14 Honorable Thomas J. McAdams in the Milwaukee County
15 Circuit Court, when I asked her how she knew the
16 car was running, she said, "Because I could hear
17 the engine running." Do those seem like completely
18 opposite statements?
19 A Yes.
20 Q Would that possibly be an example of perjury that
21 deserves investigation?
22 A Not likely.
23 Q When determining whether a person is actually
24 operating a vehicle, does determining whether or
25 not the engine was running and hearing the engine

1 running have any effect on a court or a jury's
2 decision?
3 MR. DECKER: Object. It calls for a
4 legal conclusion. You may answer if you can,
5 but --
6 A Can you repeat it, please?
7 BY MR. FROEMMING:
8 Q Do you believe that a court or a jury would use the
9 information of whether the engine could be heard
10 running or not as reason to believe that the car
11 was, in fact, running?
12 A Yes. That's likely something they would consider.
13 Q Okay. Very good. Let's move on from that.
14 And so, once again, the perjury
15 allegations, not only did you not address them in
16 your response, but you also did not forward that
17 information to any prosecutorial agencies or
18 District Attorney of Milwaukee County, Department
19 of Justice, anything like that; is that correct?
20 A No. Your letter to me stated that you were going
21 to do that.
22 Q And you therefore feel it was not your
23 responsibility?
24 A I don't feel, even if it was true, that it would be
25 perjury. Again, perjury would have to be

1 intentionally done.
2 Q Once again, you are not a legal scholar?
3 A I'm not a legal scholar, but I do have 34 years in
4 this industry of arresting people, going to court,
5 prosecuting cases, et cetera.
6 Q Very good.
7 MR. FROEMMING: I think I'm done. I want
8 to ask one question just kind of as a side after we
9 are off the record. Just because it's kind of
10 funny I thought in the Standards.
11 MR. DECKER: Okay. You're done with --
12 MR. FROEMMING: But, yeah. I'm done with
13 the deposition questions.
14 MR. DECKER: Okay.
15 EXAMINATION
16 BY MR. DECKER:
17 Q Chief, the question had been whether you are a
18 legal scholar. I'm asking the question, what do
19 you think or what do you define as a legal scholar?
20 A To me a legal scholar would be -- I don't even know
21 if a lawyer would qualify as a legal scholar. I
22 think more people that instruct people in the art
23 of law.
24 Q So when you said you are not a legal scholar, what
25 you're saying is you're essentially not a law

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM C. FROEMMING, Plaintiff, v. CITY OF WEST ALLIS, CHIEF OF POLICE PATRICK MITCHELL, SERGEANT WAYNE TREEP, OFFICER LETE CARLSON, and OFFICER RYAN STUETTGEN, Defendants.	Case No. 19-CV-996-JPS **JUDGMENT**

Jury Verdict. This action came before the Court, presided over by the Honorable J.P. Stadtmueller, for a trial by jury. The issues having been tried and the jury having rendered a Special Verdict (ECF No. 61) on February 14, 2023; and the Court having previously considered Defendants' motion for summary judgment (ECF No. 17):

IT IS ORDERED AND ADJUDGED that Defendants' motion for summary judgment (ECF No. 17) be and the same is hereby **GRANTED in part and DENIED in part** (ECF No. 22);

IT IS FURTHER ORDERED AND ADJUDGED that Defendants' motion for summary judgment (ECF No. 17) be and the same is hereby **GRANTED** as to Plaintiff's claims of unlawful detention in violation of the Fourth Amendment; unlawful arrest in violation of the Fourth Amendment; excessive force in violation of the Fourteenth Amendment; malicious prosecution in violation of the Fourth and Fourteenth Amendments; retaliation in violation of the First Amendment; and maintaining the following policies with deliberate indifference to the constitutional rights of citizens: No. 1 to seize persons without probable

Appendix B

cause, No. 2 to use excessive force during arrests, No. 3 to retaliate when citizens exercise their First Amendment rights, No. 4 to discriminate, and No. 5 to maliciously prosecute the accused (ECF No. 22);

IT IS FURTHER ORDERED AND ADJUDGED that Defendants' motion for summary judgment (ECF No. 17) be and the same is hereby **DENIED** as to Plaintiff's claims of excessive force in violation of the Fourth Amendment and maintaining the following policies with deliberate indifference to the constitutional rights of citizens: No. 6 to destroy and tamper with evidence and No. 7 to falsely testify (ECF No. 22);

IT IS FURTHER ORDERED AND ADJUDGED that following Defendants' motion for a directed verdict and at the close of Plaintiff's case in chief, there was no basis found for Plaintiff's claims as to policies to tamper with evidence and to provide false testimony to be presented to the jury (ECF Nos. 57, 62, 73);

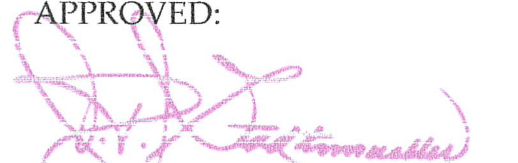
IT IS FURTHER ORDERED AND ADJUDGED that Defendants City of West Allis and Chief Patrick Mitchell stand **DISMISSED** from this action (ECF No. 73);

IT IS FURTHER ORDERED AND ADJUDGED that Defendants Officer Lete Carlson, Officer Ryan Stuettgen, and Sergeant Wayne Treep did not use excessive force against Plaintiff William C. Froemming on July 14, 2016 (ECF No. 61);

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff William C. Froemming shall have and recover nothing from Defendants Officer Lete Carlson, Officer Ryan Stuettgen, and Sergeant Wayne Treep on Plaintiff's excessive force claim (ECF No. 61); and

IT IS FURTHER ORDERED AND ADJUDGED that in accordance with the jury's special verdict, ECF No. 61, this action be and the same is hereby **DISMISSED with prejudice**, together with the Defendants' costs as may be taxed by the Clerk of the Court (ECF Nos. 57, 63, 73).

APPROVED:



J.P. Stadtmueller
U.S. District Judge

Case 2:19-cv-00986-JPS Filed 06/14/23 Page 2 of 3 Document 74

	GINA M. COLLETTI
	Clerk of Court
June 14, 2023	*s/ Jodi L. Malek*
Date	By: Deputy Clerk

Case 2:19-cv-00996-JPS Filed 06/14/23 Page 3 of 3 Document 74

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted January 16, 2024*
Decided January 24, 2024

Before

DIANE S. SYKES, *Chief Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-2380

WILLIAM C. FROEMMING, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Eastern District of Wisconsin.
v.	No. 19-CV-996-JPS
CITY OF WEST ALLIS, et al., *Defendants-Appellees*.	J. P. Stadtmueller, *Judge*.

ORDER

William Froemming sued the City of West Allis, Wisconsin, its police chief, and three police officers raising several constitutional claims under 42 U.S.C. § 1983 stemming from his arrest, including claims for excessive use of force, retaliation, and malicious prosecution. Pretrial rulings narrowed the case to the excessive-force claim and the question of municipal liability. At trial the judge directed a verdict for the police

* We have agreed to decide the case without oral argument because the appeal is frivolous. FED. R. APP. P. 34(a)(2)(A).

chief and the City on municipal liability, and the jury found for the officers on the excessive-force claim. Froemming appeals, asserting that the judge was biased against him. This argument is frivolous, so we affirm the judgment and grant the defendants' motion for sanctions against Froemming.

The events underlying this lawsuit took place in the summer of 2016 when a police officer observed Froemming parked in a rental car on the side of the road at around 3 a.m. The car lights were on, and Froemming was sleeping inside. The officer knocked on the window, asked Froemming to roll it down, and tried to question him. Because Froemming was confrontational and uncooperative, the officer called for backup. Froemming refused to comply with the officers' instructions, and eventually the officers physically removed him from the car and placed him under arrest. He was charged with and convicted of several municipal offenses, including refusing a breathalyzer test, resisting an officer, and possessing THC.

Froemming then filed this pro se § 1983 action alleging that the officers used excessive force, retaliated against him, and maliciously prosecuted him based on perjured testimony and falsified evidence, all in violation of his rights under the First, Fourth, and Fourteenth Amendments. He also named the police chief and the City as defendants, claiming that the police department had a pattern or practice of violating people's constitutional rights in this way. After years of contentious litigation, only the excessive-force and municipal-liability claims remained for trial.

Before trial Froemming filed a motion alleging misconduct by opposing counsel and the judge. He argued that one of the defense attorneys should be removed from the case, alleging that she repeatedly lied to him and the court. He also claimed that the judge was biased and sought his recusal from the case. The judge denied the motion across the board because it was unsupported by the record or any legal authority.

The trial lasted two days. Froemming presented his case on the first day, primarily questioning the individual defendants with the apparent aim of demonstrating that they were lying about what occurred on the night of his arrest and afterward. While examining the police chief, Froemming inquired about a letter the chief had written responding to his complaints about the officers. Froemming contended that the chief was perjuring himself by contradicting the letter. He was permitted to question the chief about the letter, but he never offered it as evidence, so it was not published to the jury. After Froemming repeatedly asked about what he insisted were contradictions between the chief's testimony and the letter, the judge directed him to move on. At the end of Froemming's case-in-chief, the judge entered a

directed verdict for the police chief and the City on the municipal-liability claim, leaving only the excessive-force claim for the jury.

On the second day of trial, Froemming appeared in court with a bandage on his head from an overnight injury. He claimed that he had been attacked the night before and insinuated that the defense lawyers had arranged the assault. He was agitated, combative, and smelled of alcohol; he repeatedly violated the court security officer's orders to stay away from the defense table. Additional security officers were summoned to the courtroom to assist. Froemming sought a delay based on the alleged "attack" and his injury, but the judge said the trial would proceed. When the jury was brought into the courtroom to resume the trial, Froemming demanded a mistrial, accused one of the defense attorneys of lying, and repeated his claim of being attacked in retaliation for filing the lawsuit. The judge excused the jury and declined to grant a mistrial. Froemming then refused to participate and left the courthouse. The judge elected to move forward with the trial, sending the jury to deliberate without a closing argument from Froemming. The jury returned a verdict for the defendants.

Froemming filed a posttrial motion again seeking a mistrial based on the alleged "attack," which he continued to claim had been orchestrated by the defense attorneys. He also argued that the judge wrongly excluded the police chief's letter from evidence, hampering his cross-examination. The defendants, in turn, sought sanctions against Froemming for filing frivolous claims and motions and other litigation misconduct.

The judge denied Froemming's mistrial motion. Starting with the argument about an overnight assault during the trial, the judge found that Froemming's claim was conclusively refuted by extensive video evidence the defendants had obtained from security cameras at the hotel across the street from the courthouse, where Froemming had stayed during trial, and other businesses nearby. As the judge explained in painstaking detail, the video evidence plainly showed that Froemming had not been attacked on the night in question but rather had been drunk and fell face down on the sidewalk while wandering the streets in the middle of the night. The video evidence also included bodycam video from Milwaukee police officers who responded to a call by a passing motorist who stopped to assist Froemming with his head injury. The bodycam video showed Froemming in a highly intoxicated, argumentative, and incoherent state, unable to remember how he was injured.

The judge also rejected the claim of evidentiary error regarding the police chief's letter, explaining that he had given Froemming ample opportunity to cross-examine the chief about it and had not precluded its introduction into evidence. (Froemming had

failed to offer the letter into evidence at all.) Finally, the judge determined that sanctions were warranted based on Froemming's egregious and persistent litigation misconduct, including (among other things): "repeatedly disparaging opposing counsel without foundation, misrepresenting events, demonstrating a lack of decorum and civility, and needlessly and baselessly delaying proceedings." The judge therefore granted the sanctions motion and ordered Froemming to pay the costs of empaneling the jury and the defendants' costs and attorney's fees related to the motion for a mistrial.

On appeal Froemming argues that the judge was biased and should have declared a mistrial and recused himself from the case; he requests a new trial before a different judge. His brief does not dispute the jury's verdict, develop a substantive argument for reversal, or otherwise meaningfully engage with the substance of the trial. So the defendants moved for dismissal or summary affirmance, as well as sanctions, FED. R. APP. P. 38, based on Froemming's baseless claim of judicial bias and his failure to develop an argument or provide legal authority in support of reversal. Among other defects in Froemming's brief, the defendants highlighted that nearly all of the legal citations were fabricated. We opted to take the motion with the merits of the appeal.

As we've just noted, apart from his allegations about the judge, Froemming has not developed a coherent substantive challenge to the outcome of the trial and has therefore waived any other arguments, including his undeveloped accusation of discovery misconduct against the defendants' attorneys. *See Shipley v. Chi. Bd. of Election Comm'rs*, 947 F.3d 1056, 1062–63 (7th Cir. 2020).

Froemming's claim of judicial bias is frivolous. He complains that the judge deprived him of the opportunity to introduce the police chief's letter into evidence and refused to stop the trial after he was "attacked" in retaliation for pursuing this case. First, the judge did not exclude the letter. Froemming never offered it as a trial exhibit. Moreover, Froemming was permitted to use the letter for impeachment, and over the defendants' objections, he extensively questioned the police chief about it. *See generally* FED. R. EVID. 613. Second, the judge's decision to move forward with the trial despite Froemming's "attack" claim is not evidence of bias. The claim was patently incredible and indeed was conclusively refuted when the defendants later produced security and bodycam video evidence clearly showing that Froemming had not been attacked but rather was injured when he stumbled and fell while wandering aimlessly in the area around his hotel in a highly intoxicated state.

In short, Froemming's claim of judicial bias is wholly unsupported and, on this record, a flagrant abuse of the judicial process. There is no evidence whatsoever of a

disqualifying conflict of interest or other grounds for recusal under 28 U.S.C. § 455(a) or (b). Adverse rulings are not evidence of bias. *See United States v. Walsh*, 47 F.4th 491, 499 (7th Cir. 2022) (citing *Liteky v. United States*, 410 U.S. 540, 555 (1994)). Froemming points to a few exasperated remarks by the judge, but "judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge." *Liteky*, 510 U.S. at 555.

Far from being evidence of bias, *see id.*, any expressions of frustration by the judge were quite measured and completely understandable given Froemming's abusive conduct. To repeat, Froemming was persistently disruptive and abrasive, and he made wild and baseless accusations of misconduct by opposing counsel and the court. The judge showed considerable patience with Froemming's obstreperous behavior during lengthy and contentious pretrial litigation and at trial, but he reasonably put his foot down when Froemming's antics delayed the jury's entrance into the courtroom or occurred in the jurors' presence. *See United States v. Barr*, 960 F.3d 906, 921 (7th Cir. 2020) (explaining that a judge expressing "dissatisfaction, annoyance, or even anger" with an attorney is not grounds for recusal).

That brings us to the defendants' motion for Rule 38 sanctions. Froemming's appellate brief consists of unfounded allegations against the district judge and defense attorneys, and his tone is inflammatory and antagonistic, continuing the pattern of misconduct he exhibited in the district court. Additionally, his brief contains numerous citations to cases and other sources that do not exist and false quotations from ones that do. Froemming asserts that any shortcoming in his research or briefing are honest mistakes caused by his "lack of complete knowledge and experience." Given his long pattern of misconduct in this case, that defense is utterly unconvincing. The district judge warned Froemming several times that he must cease his frivolous filings and requests and belligerent conduct at trial. When the warnings went unheeded, the judge ultimately imposed financial sanctions that Froemming has failed to pay. Repeated warnings and sanctions did not deter Froemming from continuing the same misconduct on appeal.

Accordingly, we fine Froemming $5,000. Within 14 days of this order, Froemming must tender a check payable to the Clerk of this Court for the full amount of the sanction. Further, the clerks of all federal courts in this circuit shall return unfiled any papers submitted either directly or indirectly by or on behalf of Froemming until he pays the full sanction. *See Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995); FED. R. APP. P. 38. This filing bar excludes criminal cases and applications for writs of

habeas corpus, *see Mack*, 45 F.3d at 186–87, and will be lifted immediately once Froemming makes full payment, *see In re City of Chicago*, 500 F.3d 582, 585–86 (7th Cir. 2007). If despite his best efforts Froemming is unable to pay in full all outstanding sanctions, he is authorized to submit to this court a motion to modify or rescind this order no earlier than two years from the date of this order. *See id.*; *Mack*, 45 F.3d at 186.

The judgment is AFFIRMED and the motion for Rule 38 sanctions is GRANTED as described above. The motion to dismiss or summarily affirm is DENIED as unnecessary.