THE UNITED STATES PERFORM COURT EASTERN DISTRICT OF WISCONSIN

2021 JUN - 3 A 9: 54

United States ex rel Cherakei Griffin

CLERK OF COURT

21-C-068

by next of kin, next of friend I. Griffin

Case No._

Petitioner

* request for THREE judge panel*

V

West Allis Police Department (Exhibits Attached) West Memorial Hospital (Afridant Attached)

Respondents

Writ of Habeas Corpus § 2241
REFUSAL TO CONSENT TO PROCEED BEFORE A MAGISTRATE

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 FOR PERSONS IN CUSTODY

Petition for Writ of Habeas Corpus

Citation References

Procedural History

Authority:

28 U.S.C.§ 636(c)(4)

Glidden Co. V Zdanok, 370 US 530 (1962)

Maine v. Thiboutot, 100 S. Ct. 2502.

Hensley v Municipal Court; 411 U.S. 345 (1973)

Jones v Cunningham; 371 U.S. 236 (1963)

Miller v Fenton, 474 U.S. 104 (1985)

28 U.S.C. § 1651(2) 28 U.S.C. § 1657

NATURE OF PETITION

Comes now, United States ex rel Cherakei Griffin, by next of kin, nest of friend, and

biological mother, I. Griffin, as this action is of importance to the United States. United





1681 N Van Buren St. Milwaukee, WI 53202 Phone: 414-283-2679 Fax: 414-272-2414 milwaukee@dcopy.net

Date:6-3-2021	Pages (Including Cover): 24
FROM: Copy of habers 2741	TO: West Allis PD
Company:	Company: Att no Chief Mitchell
Name: Re unconstil Violations	Name:
Phone: ox Red law by murical	Fax: 414-302-8099
Comments:	

States ex rel denotes that the United States is also a party to this petition as the laws of the United States and its protections have been and are being violated by the respondents' and as such the petition is a matter of public importance as it is of general public importance and will materially further the vindication of rights, privileges, and/or immunities secured and/or protected by the Constitution of the United States. Pursuant to 28 U.S.C. § 636 (c)(4) it is requested that as this is an extraordinary circumstance that it is vacated that there is any reference or suggested reference of an assignment of a magistrate judge in this particular action. For the record the Cherakei Griffin is in extreme imminent physical danger.

United States ex rel, Cherakei Griffin by next of kin, next of friend, here in referenced as 'petitioner', person and liberty is in custody of the respondents' in violation of the United States Constitution and the federal laws of the United States. The respondents' as named supra are responsible for the restraints imposed onto the petitioner and the actual confining officials acting under the color of authority are unlawfully restraining the petitioner and his liberty. The conduct of the respondents' is unconstitutional and the applicable constitutional standards were clearly established at the time in question as detailed infra.

The petitioner is further being subjected to cruel and unusual punishment as the respondents' are and have been the sole and final decision markers in the custody and control of the petitioner although they are without legal and/or lawful authority to do so. Further respondents willful and negligently ignored the HIPPA rights, Americans With Disabilities Act as well as myriads of federally mandated law. See 28 U.S.C. § 1865(b).

Respectfully speaking, the respondents' have engaged in serious departures from

the mandates of Due Process and the Equal Protection of the Laws Clause and are without personal and/or subject matter jurisdiction over the petitioner as well as are without territorial jurisdiction over the petitioner. The respondents have failed to put forth proof of proper and lawful jurisdiction to restrain the person and liberty of the petitioner.

Once jurisdiction is challenged it must be proven as at no time can jurisdiction be presumed. See Hagens v Lavine, 415 US 533. When jurisdiction is challenged a court must not only cite the statute setting forth the crime alleged but must avert to the specific power granted by the constitution from which the statute arises. See United States v Fox, 95 US 670.

Respondent West Allis Police Department.

Respondent is acting under color of authority as a municipal police department. Respondents repeatedly ignored that the petitioner was being held against her will and against the will of her legally binding and agreed upon Power of Attorney. There is no law requiring a POA be notarized. There was an agreed upon meting of the minds, and acceptance of the terms and conditions of the POA document. The respondents are infringing on the Petitioner right to legally enter to and agree to a written contractual document. Even after shown a POA agreement and requesting for intervention to cease the unlawful actions against her, the Respondents repeatedly stated after several calls and showups that the petitioner was an adult and (those that were holding her against her will) wanted her to be there, shortly after such claims, the Petitioner was falsely accused of attacking one of the persons who were holding her agaist her will and the will of her POA. The respondent falsely arrested the Petitioner, without reading her her rights or

informing her as to the circumstances of her arrest. Upon her POA arrival and questions and declaration of nonconsent to involuntary medicine, the Respondents refuse to honor and respect and accord the POA rights due and owing and refuse to include the POA in any decision making whatsoever. The Respondents are continuing to involuntarily hold the petitioner against her will and wishes as well as against the will and wishes of her legally binding POA.

The petitioner is forced to take medication, draw blood and is being subjected to nonconsentual experiments and as such these acts and actions are having dangerous effects and repercussion on the sound mind, body and health of the petitioner who has no history of mental illness, violent behavior, aggression or negative traits. In fact she has been repeatedly honored and admired in her community.

The Petitioner does not fit the subject of any such character or have a history of such behavior. Jurisdiction can not be conferred where it does not exist. Respondent West Allis Police has and is acting contrary to the Federal rights of the Petitioner, to be free from unlawful restraint and false imprisonment. The assertion of federal rights, plainly and reasonably made, is not to be defeated under the name of local practice. See Davis v Wechsler, 263 US 22. The public has a strong interest in procedural fairness and the protection of individual defendant's rights.

Respondent West Allis Memorial

Respondent is acting under color of authority and has engaged in willful disregard of HIPPA, Americans With Disabilities Act and rights of the legally binding POA. The Respondents have been asked to cease from involuntary treatment and refuse to do so, based on the request of the prior respondents. The Respondents are engaging in forced

medication, withdrawal of blood, experimentation and other egregious acts against the petitioner. As such the petitioner is in immediate imminent danger.

The petitioner was arrested without an arrest warrant on a geographical land mass in which is not under the territorial ownership of the respondents' in this action. There The respondents did so knowing the petitioner was being held against her will and repeatedly requested to be allowed to leave, yet the respondent West Allis police left the petitioner with the aggressors, whom she had a right to break free from by any means necessary.

The habeas corpus is specifically designed to protect individual liberty and redress unlawful detention. See Preiser v Rodriguez, 411 U.S. 475 (1973). The Writ is in complete compliance with § 2242 requirements for an *application* for a writ.). However in artfully pleaded this court is obliged to give the petitioners' pro se petition, a liberal construction. See Haines v Kerner, 404 U.S. 519 (1972). Pursuant to Rule 8(e) pleadings *must* be construed so as to do justice. 'Justice' as defined by <u>Black's Law Dictionary</u>, 7th Edition is 'the fair and *proper* administration of laws'."

A prior petition for habeas corpus relief has not been filed by the petitioner. The basic purpose of the Writ is to enable the unlawfully incarcerated to obtain their freedom. See Johnson v Avery, 393 U.S.486. Application for the writ of habeas corpus shall be in writing...and signed by the person for whom relief it is intended or someone acting in his behalf. See 28 U.S.C.§ 2242.

The petitioner submits this application for writ of habeas corpus pursuant to section 28 U.S.C. section 2241. The proceedings in the federal court as well as the actions of the respondents are in violation of the petitioner's constitutional right against

violations of the Equal Protection of the law under the United States Constitution, U.S. Const., Am. XIV, section 1, the 14th amendment of the United States constitution, violations of the 13th amendment that there is to be no slavery or involuntary servitude, violations of the Due Process Clause of the United States Constitution, as well as other serious substantial violations against the petitioner's right to Due Process <u>in accordance</u> with the federal law.

The petitioner is in custody within the meaning of 28 U.S.C. § 2241. Under the United States Supreme Court's ruling and order in Hensley v Municipal Court; 411 U.S. 345 (1973), custody includes not only physical custody, but also restraints that are severe, immediate, and not shared by the public generally. Please also see Jones v Cunningham; 371 U.S. 236 (1963).

The facts are drawn from the petitioners' petition.

The Court must accept them as true and draw all inferences in petitioners' favor. The habeas corpus is specifically designed to protect individual liberty and redress unlawful detention. See Preiser v Rodriguez, 411 U.S. 475 (1973). The Writ is in complete compliance with § 2242 requirements for an *application* for a writ.). However in artfully pleaded this court is obliged to give the petitioners' pro se petition, a liberal construction. See Haines v Kerner, 404 U.S. 519 (1972). Pursuant to Rule 8(e) pleadings *must* be construed so as to do justice. 'Justice' as defined by <u>Black's Law</u>

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INTRODUCTION

- 1. The petitioner has no adequate or available remedies available
- The respondents' have falsely imprisoned the petitioner.
- The respondents', are actively and knowingly subjecting fraud on the court against the petitioner.
- 4. The allegation of fraud supersedes procedural rules and overrides any allege exhaustion requirements. Some constitutional violations by their very nature cast so much doubt on the fairness of the process, that as a matter of law, they cannot be considered harmless. See Satterwhite v Texas, 486 U.S. 249 (1993).
- The petitioner is factually as well as actually innocent.
- Innocence is a constitutional claim, the claim of actual innocence triggers constitutional protections
- 7. The Petitioner has been subjected to extreme physical assault while in the custody and control of the respondents'.
- 8. The Petitioner is in eminent danger...
- 9. The petitioner is being denied one of the most fundamental rights guaranteed by the Due Process Clause. Individuals acting under color of authority continue to deprived petitioner of federal constitutional rights as well as freedom from arbitrary detention. See, Hamdi v. Rumsfeld, 542 U.S. 507 (2004).
- 11. The respondents' are actively punishing the petitioner for exercising constitutional

rights.

- 12. The municipal proceedings are contrary to clearly established federal law, as determined by the United States Supreme Court governing laws set forth in County of Riverside v. McLaughlin, 500 U.S. 44 (1991), U.S. 313. Parham v J.R., 442 U.S. 602, Johnson v Virginia, 373 U.S. 61, Roberts v United States, 468 U.S. 617.
- 13. The respondents' are attempting to restrict the Petitioners' rights under the 1st, 4th, 5th, 7th, 6th, 9th, 13th and 14th amendments to the United States Constitution. The respondents' actions are in plain error and contrary to the laws, rules, and prerequisites mandated by the United States Supreme Court, and lack reason or logic.
- 14. The Petitioner has strong showings favor of the claim of actual innocence.
- 15. The municipal proceedings and results are resulting from the basis of unreasonable determinations of the facts and are wholly without personal or subject matter jurisdiction over the petitioners, in violation of the Due Process Clause, the Ex Post Facto Clause, the Equal Protection Clause, and numerous other substantial unconstitutional violations listed supra.
- 16. These violations are not merely technical, but serious violations of constitutional rights.
- 17. There is an absence of available corrective process
- 18. The municipal actions are objectively unreasonable. The methods employed do not conform to the broad requirements of Due Process.
- 19. The petitioner has offered sufficient evidence to indicate that the proceedings are

- objectively unreasonable in the light of clearly established constitutional rights
- 20. The municipal actions have failed to address constitutional issues and in many instances simply sidestepped the fact-finding task
- 21. The errors and violations of the laws of the United States are so fundamentally defected that it will inherently result in a fundamental miscarriage of justice

GROUNDS FOR RELIEF

Ground 1

FRAUD AND COMPLETE ABSENCE OF JURISDICTION IN VIOLATION OF THE PETITIONER CONSTITUTIONAL RIGHTS.

Respondents' are acting on wrongful information, a complete lack of jurisdiction over the petitioner and are using an unlawfully and unconstitutionally detain, arrested and continue to unlawfully detain the petitioner. The respondents' where not within their legal jurisdiction and venue and had not read the petitioner her Miranda rights nor informed the petitioner the nature of her arrest.

Ground 2

THE PETITIONER IS FACTUALLY AND ACTUALLY INNOCENT

The petitioner has concrete evidence in their favor that supports her claim of actual innocence. There is evidence to show that the allegations are completely opposite of the reasons and justifications the respondents gave in failing to help her on the first two police calls. The Petitioner has not committed any crimes, nor has any crime been committed by the Petitioner within the territorial jurisdiction of the respondents. Therefore the petitioner maintains that she is factually as well as actually innocent. The Petitioner is in custody under section 2241, because of an

act, and action (all being illegal and void and contrary to the laws of the United

States Constitution) of the respondents

Ground 3

The respondents were and are without personal and/or subject matter jurisdiction over the petitioner. "Jurisdiction once challenged cannot be assumed and must be decided." See Maine v. Thiboutot, 100 S. Ct. 2502. "Where jurisdiction is challenged, it must be proven." See Hagans v. Lavine, 415 U.S. 528 at 533

Respondent West Allis police department has no conferred power within the United States Constitution and are acting ultra vires. The petitioner was neither in nor near the vicinity of West Allis voluntarily but as a victim of a reported kidnaping, that the respondents failed to document and gave a cursory review to. Both respondents are without lawful authority. The petitioner is being falsely imprisoned and his person and liberty is being unlawfully restrained by the respondents contrary to the laws of the United States, its treaty and its Constitution.

PRAYER FOR RELIEF

Wherefore, for the reasons stated above and in the authorities cited under clearly established law, the petitioners' respectfully prays that the Honorable Court grant the following relief;

- 1. Release the petitioner from the unconstitutional custody of the said respondents'.
- 2. Release the petitioners' from the unconstitutional custody of the respondents
- Enjoin respondents from further violating the Petitioners' Constitutional rights
 including the right to have her POA honored, respected and informed.
- 4. Protect and Enforce the Declaratory and Constitutional rights of the petitioners'.

- Declare the constitutional right of the petitioner to be free from slavery and/or involuntary servitude.
- 7. Grant any and all necessary injunctive relief in favor of the petitioners' against the respondents'
- 8. Enact any and all protective measures on behalf of the petitioners' against cruel and unusual punishment against them and their person including physical assault and torture.
- 9. Any other relief as this Court deem just and appropriate including but not limited to a John Doe investigation into the unlawful acts perpetrated against the petitioners by respondents.

I verify that the petition has been filed with good and that the foregoing is true and correct to the best of the petitioners' recollection and or knowledge as well as ability. I further request that the petition is liberally construed and that I am not an attorney an unsworn statement under penalty of perjury has the same effect as an affidavit. 28 U.S.C. § 1746.

United States ex rel Cherakei Griffin by next of kin, next of friend I. Griffin

P.O. Box 72057

Milwaukee, Wi 53212

U.S. District Court
Wisconsin Eastern

JUN - 3 2021

FILED
Clerk of Court

AFFIDAVIT UNDER PENALTY OF PERJURY

I affirm to the best of my recollection and knowledge, as being stated in good faith, in the pursuit of justice the following;

- 1. I am the biological mother of Cherakei Griffin
- 2. Cherakei Griffin has always lived with me her entire life and resided no other place but within our home.
- 3. I voluntarily entered with my daughter on May 26, 2014 a Power Of Attorney for my daughter, I also entered into several other Power Of Attorney agreements on this same date with my daughter.
- 4. On May 26, 2021 on the Amtrak train my daughter was unresponsive and barely had a pulse and several nurses on the train stated and saw such. There were a significant amount of other people on the train.
- 5. I was told my daughter suffered a seizure and was advised to have several follow-ups
- 6. As of May 28, 2021 several estranged family members whom referred to themselves as Jesus, and servants of Jesus refused to allow Cherakei to leave with me and threatened to do physical harm to me.
- 7. For serval days of Cherakei was taken to several unknown locations and I spent hours all day and night literally begging for her to be released against her will and was subjected to threats, phone hangups and other things as I was searching for her and tenting family trying to diffuse an escalating situation.
- 8. Several times I was able to shortly speak to Cherakei and she repeatedly stated she did not want to be wherever she was and asked me to please get her from the situation.

that because she was an adult I could not get her. As several doctors will attest, I have always made medical decisions on her behalf and in her best interest.

- 11. I requested medical attention regarding her seizure and was refused service.
- 12. I pleaded with the West Allis Police a second time and was again told that things wee peaceful and Chearkei was pleasant and did not need medical attention.

These statements are made under penalty of perjury and signed before a notary on this 3rd

day of June 2021.

Affiant

Notary

GRIFFIN

Address: 2722 N RICHARDS ST

APT# A

Milwaukee Public Schools NORTH

Middle Name

First Name CHERAKEI

WSN

Birth Date

Student ID

Gender

05-26-96

Milwaukee, WI 53212

Date Entered this High School:

School Details

school Name: NORTH

School Phone Number:

(414)267-4900

School Address: 1011 W CENTER ST MILWAUKEE WI 53206

10-23-12

Withdrawal Date:

Graduation Details

Rank: 1

out of: 109

on: 02-04-13

Cumulative non-weighted GPA:

3.944

on a 4.0 scale.

Grading Scale Grade Points Course Types Type Blank CIDescription General College Transcripted Advanced Standing Advanced Placement International Baccalaureate

Pre-College

Notes

Graduation Date:

- santaubrs redrautat confidential: This record is not to be released to any other party without the written informed consent of the Parent/Legal Guardian or eligible student.

Seal:

Page 1 of 2

Student Transcript

Printed

GRIFFIN

Grade: 09

BA131N AR121N AR111N

BB031N

HL211N

EN201N EN421N EN111N ENIOIN

RD1111

READING IMPROVEMENT - GRADE 9 (SEM

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Unit Total for School Year:

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PHYSICAL SCIENCE (SEM 1)

PHYSICAL SCIENCE (SEM 2)

SS141N

WORLD STUDIES (SEM 1)
WORLD STUDIES (SEM 2)

SS151N SC191N SC181N

Unit Total for School Year:
Grade: 10 Year: 2011 - 2012 Course

Type Mark Unit

Absent

0

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Course

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SS221N SC201N PE211N MA311N

UNITED STATES HISTORY (SEM 2)

Unit Total for School Year:

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UNITED STATES HISTORY (SEM 1)

SC211N

BIOLOGY 1 (SEM 1)

BIOLOGY 1 (SEM 2)

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Page 2 of

Student Transcript Printed

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Principal Signature:

Confidential: This record is not to be released to any other party without the written informed consent of the Parent/Legal Guardian or eligible student.



Peck School of the Arts

Office of Student Services

Theatre Building Room 120 P.O. Box 413 Milwaukee. WI 53201-0413 414 229-4763 phone

Cherakei Griffin PO Box 72057 Milwaukee, Wisconsin 53212-7257

Dear Cherakei Griffin:

I am pleased to inform you that you have been named to the Dean's Honor List for the Fall 2018 semester in the Peck School of the Arts at the University of Wisconsin-Milwaukee.

\$5

The Dean's Honor List recognizes academic achievement within a single semester. To be eligible for the Dean's Honors List, a student must be in good academic standing, and receive a term grade point average of 3.75 in a minimum of 12 graded units. Your academic scholarship contributes to the reputation of excellence shared by the Peck School of the Arts.

Congratulations on this fine achievement and best wishes for continued success in your academic career.

Sincerely,

Louis Molina

Associate Dean

Senior Academic Advisor

1 Melin

Office of Student Service

CERTIFICATE of RECOGNITION

THIS ACKNOWLEDGES THAT

Cherakei Griffin

HAS BEEN NAMED TO THE

Dean's Honor List

FOR SUCCESSFULLY ACHIEVING AN AVERAGE GPA OF 3.75 OR BETTER FOR FALL 2018

Scott Emmons, Dean

Peck School Vice President of Student Services

Director of Student Life



Chorabon

Cherakei Griffin

MILWAUKEE AREA **Technical College** School of LIBERAL ARTS and SCIENCES

in recognition of exemplary scholastic achievement for achieving a grade point average of 3.5 or higher.



December 3, 2015

Vicki J. Martin, President
Milwaukee Area Technical College

warmups in that I noticed many second position parallels, second position turned outs, and some first position paralleling.

The connotations of most performances were inferable. In the first performance "Rise,"

Elisabeth Roskopf utilized nature southds as her music — rushing water, birds chirping, and displayed a video in which she's admiring, dancing and interacting with nature. Because such moments in the video were displayed, she as how she cupped her hands with water, rained it upon herself, and danced with blowing winds. Due to such context clues, I interpreted Roskopf's performance as a non-verbal ode to nature saying that dance is as breath is essential to life. — Indeed.

"Monster Love" seemed to be more of a spiritual dance. The dancers Posy Knight and Joelle

Worm each dancer had a moment when the other was lying seemingly lifeless on the ground and could not arise until accompanied by the other. When the dancers were both 'alive' they mirrored each other's dances and were very lively and animated. They were both silly, happy and at times clearly angry. When the sad instance comes again, once again one person is lifeless without the other. The stage lighting becomes noticeably darker. I read this performance further as a lesson regarding the preciousness of life and pain that comes with enduring the physical loss of a person so loved. What absolutely confirmed my theory was the singer and words in the background music of the dance, "When it's my time to go, I need you to know, I love you all..."

In addition to my trying to interpret dances and understand whet each was a less on the light of the lig

In addition to my trying to interpret dances and understand what each meant, I found greater realizations. Coordination was everything. No performance could have been enjoyed or interpreted by the audience without the precision, cooperation and consideration of each dancer as she danced. The intensity of each movement, or lack thereof, at times made me feel each gentleness or oomph that was presented. Such executions of each performance allowed for my enjoyment as an audience member to strengthen and the beauty of each dance to deepen.

Cheraker, Pag Nice work. Very descriptive. It would've been nice to hear about the other dance pieces, too

Page 2 of 2



CARDINAL STRITCH UNIVERSITY

SCHOLARSHIP/GRANT AWARD

Cherakei, you have been awarded the following scholarship(s)/grant(s) at Cardinal Stritch University:

Scholarship/Grant

Annual Amount

Serra Transfer Scholarship

\$12,000.00

Total Award

\$12,000.00

All scholarships/grants are renewable for up to four years or until the completion of your bachelor's degree, whichever comes first, and are contingent on your continuous full-time enrollment at Stritch. In addition, to retain your Serra Transfer Scholarship, you must maintain at least a 3.0 cumulative grade point average that will be reviewed at the end of each academic year.

If you have any questions about your award, or would like more information on financial aid and scholarships, please contact your admissions counselor, David Hengst, at (414) 410-4747 or dbhengst@stritch.edu.

Congratulations, Cherakei!

To Whom This May Concern,

POWER OF ATTORNEY FOR HEALTH CARE Document made this day of 26th day of May 2014 CREATION OF POWER OF ATTORNEY FOR HEALTH CARE I, Cherakei Grffin, date of birth May 26, 1996, being of sound mind, intend by this document to create a power of attorney for health care. My executing this power of attorney for health care is voluntary. Despite the creation of this power of attorney for health care. I expect to be fully informed about any health care decision for me, to the extent that I am able. For the purposes of this document, "health care decision" means an informed decision to accept, maintain, discontinue, or refuse any care, treatment, service, or procedure to maintain, diagnose, or treat my physical or mental condition. In addition, I by this document, do not wish with respect to making an anatomical gift upon my death. DESIGNATION OF HEALTH CARE AGENT If I am no longer able to make health care decisions for myself, due to an incapacity or illness, I hereby designate my mother Inez Griffin to be my health care agent for the purpose of making health care decisions on my behalf.

If I ever have incapacity I instruct my health care provider to obtain the health care decision of my mother Inez Griffin, if I need treatment, for all of my health care and treatment. I have discussed my desires thoroughly with my mother, Inez Griffin and believe that she understands my philosophy regarding the health care decisions I would make if I were able. I desire that my wishes be carried out through the authority given to my mother, Inez Griffin under this document. If I am unable, due to an incapacity or illness, to make a health care decision, my mother, Inez Griffin is instructed to make the health care decision for me, but my mother, Inez Griffin should try to discuss with me any specific proposed health care if I am able to communicate in any manner, including by blinking my eyes. If this communication cannot be made, my mother, Inez Griffin shall base her decision on any health care choices that she believes to be in my best interest.

I have made this decision as a binding legal health document and have done so will full knowledge and understanding in a sound mind and capacity.

Dated this 26th day of May 2014

Witness

5-26-2014

Witness

			,		
	*:				