

## **EXHIBIT A**



## John Doe probe of Scott Walker office closed with no new charges

By [Daniel Bice](#) and [Dave Umhoefer](#) of the Journal Sentinel  
March 2, 2013

Just like that, the lengthy John Doe investigation into Gov. Scott Walker's aides and associates is over.

Nearly three years after the probe was launched, retired Appeals Court Judge Neal Nettesheim signed an order shutting down the secret investigation.

In all, Milwaukee County prosecutors brought charges against six individuals as a result of the probe, which was opened in May 2010. Of those, three were former aides to Walker while he was Milwaukee County executive, one was an appointee and another a major campaign contributor.

No additional charges will be filed.

Nettesheim said in an interview Friday that prosecutors reviewed thousands of documents and took testimony from hundreds of witnesses. In addition, Milwaukee County officials raided the homes of several former Walker aides and seized documents from others.

The judge said the investigation had been all but dormant in recent months. The case had been kept open as a way to release documents tied to the criminal charges that already had been filed.

"I realize the frustration on the part of some people with the length of the investigation," Nettesheim said. "But I'm satisfied with how it went."

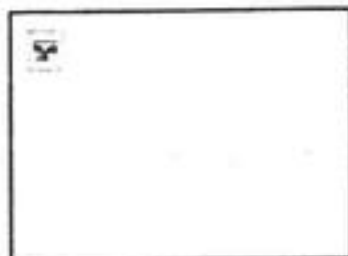
Nettesheim entered an order Feb. 21 concluding the probe, and the decision was made public after Milwaukee County District Attorney John Chisholm finished paperwork in the case.

"After a review of the John Doe evidence, I am satisfied that all charges that are supported by proof beyond a reasonable doubt have now been brought and concluded," Chisholm said in a statement. "As a consequence, last week my office petitioned for, and Judge Nettesheim has granted, the closure of the John Doe investigation."

William Jennaro, a former Milwaukee County judge and prosecutor, said he saw few positives out of the long John Doe other than catching former Walker aide Timothy Russell stealing money from a fund intended to aid veterans.

While Walker's county administration made some questionable hires, Walker himself avoided much taint.

"Certainly, the governor comes out of this pretty much Clean Gene," said Jennaro, who has overseen past John Doe investigations.



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## **EXHIBIT B**

Scott A. Heimermann  
200 South Madison Street  
P.O. Box 0351  
Waupun, Wisconsin 53963-0351  
Tel: 920-324-5571

December 26, 2012

Karley [REDACTED]  
Assistant Legal Counsel  
Office of the Governor  
P.O. Box 7863  
Madison, Wisconsin 53707

RE: *Scott A. Heimermann v. Scott Walker*  
Appeal No. 2012AP712

Dear Ms. [REDACTED]

Thank you for your letter of November 1, 2012, which I received November 3, 2012. I apologize for the delay in responding, but between being subject to ongoing reprisals by the administration at Waupun Correctional Institution (WCI) for writing to Governor Walker regarding my liberty-property right in being exonerated in my wrongful Milwaukee County convictions and prolonged imprisonment as well as my being repeatedly placed in harsh segregation for exercising my Constitutional right to challenge my wrongful convictions, this is my first chance to get to your letter.<sup>1</sup>

You said in your letter, "the Pardon process has been suspended indefinitely. Applications currently on file will be saved for future use. However, no new applications will be accepted."

As Governor Walker's office contemplates whether to proceed further with my application for executive clemency, which was filed on May 3, 2011, please allow me set the status of the above-referenced matter before you as plainly as I can.

In my application for executive clemency, I had brought a clemency action for an innocence pardon through what I called "Itinerary of the 'As-Yet-Undisclosed-State-Evidence'", which I alleged is in the possession of the Milwaukee Police Department and Milwaukee County District Attorney's office. This innocence pardon action is currently

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<sup>1</sup> It's vitally important to know that I was again placed in the draconian confines of the Health and Segregation Complex (HSC) at WCI from November 6, 2012 to November 29, 2012, for simply filing the enclosed "Motion to Vacate Defendants Convictions, Grant a New Trial, and Admit Defendant to Bail" with Milwaukee County District Attorney John Chisholm asking D.A. Chisholm to take a new look at my 1991 murders convictions and help secure my immediate release from prison based upon the recent grant of "250 pages" of "Itinerary of the 'As-Yet-Undisclosed-State-Evidence'" by the Milwaukee Police Department that exonerates me in the August 19, 1989 murders of Mohammad [REDACTED] and Dion [REDACTED] in which I was scapegoated.



on appeal in *Scott A. Heimermann v. Scott Walker*, Appeal No. 2012AP712 in regard to me having a Fourteenth Amendment property interest based on contractual promises made by high-ranking State Department of Corrections officials in obtaining an innocence pardon through the Itinerary of the As-yet-Undisclosed-State-Evidence. As the Milwaukee Police Department explains in a letter addressed to me dated September 6, 2012, "there are approximately 250 pages of potentially responsive records" with respect to the "Itinerary of the 'As-Yet-Undisclosed-State-Evidence'".<sup>2</sup> The attached 10-pages of the Itinerary of the As-Yet-Undisclosed-State-Evidence then sheds light on how this is sufficient exculpatory material evidence that exonerates me in the August 19, 1989 homicides of Mohammad [REDACTED] and Dion [REDACTED] in which I was convicted in December 1991; actually, it sheds more sunshine and transparency on what *really* happened in the days immediately before and after the 1989 murders of [REDACTED] and Russell: Led by Detectives Barry [REDACTED] and Thomas [REDACTED] of the Milwaukee Police Department vice-squad, Milwaukee police continued to track drugs and guns to [REDACTED] and his notorious Black Gangster Disciples street gang instead of making their arrests and confiscating the drugs and guns in an undercover operation, is what enabled the 1989 homicides. The Milwaukee police knew about the homicides in real time. They saw what I saw, but Milwaukee police did not intervene in spite of being warned by me about the murders through witnessing the violent tendencies of Edward [REDACTED], who was a career Milwaukee police informant in the drugs-for-guns operations against [REDACTED] and his gang and who was also one of the men charged with the August 19, 1989 murders of [REDACTED] and [REDACTED].

Therefore, the Itinerary of the As-Yet-Undisclosed-State-Evidence demonstrates there is/was an official systematic cover up of Milwaukee police culpability for drugs-for-guns smuggling and the 1989 murders of [REDACTED] and [REDACTED]. So the Milwaukee police Department could not launch a criminal investigation against me in March 1991 without first disclosing the 'As-Yet-Undisclosed-State Evidence' to a jury, which disclosure of such material exculpatory evidence would have impeded any successful prosecution of

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<sup>2</sup> The Milwaukee Police Department and Milwaukee County District Attorney's office had a duty to disclose this material exculpatory evidence *before* my trial in 1991. See *Brady v. Maryland*, 373 U.S. 83 (1963). But, while the Milwaukee Police Department granted "250 pages" of the noted above "Itinerary of the 'As-Yet-Undisclosed-State-Evidence'" on September 6, 2012, the fact of the matter is that I received *nothing* to date, for the Milwaukee Police Department has so far refused to assure me that the important documents are from the drugs-for-guns trafficking investigation in which the Milwaukee police were involved immediately before and after the August 19, 1989 murders of Mohammad [REDACTED] and Dion [REDACTED] and not the police reports and other documents in which my attorney had in fact received from the Milwaukee County District Attorney's office during the discovery phase prior to my criminal case in 1991, where the Milwaukee Police Department and Milwaukee D.A.'s office omitted any evidence that now links Milwaukee police to the drugs-for-guns smuggling and the 1989 homicides.

Karley [REDACTED]  
December 26, 2012  
Page Three

me.<sup>3</sup> I enclose a copy of the Itinerary of the As-Yet-Undisclosed-State-Evidence documents and the September 6, 2012 letter to Scott A. Heimermann from Milwaukee Police Department, for your review.

Additionally I have written a detailed 4-page letter dated October 18, 2012 to Milwaukee's FBI's office Special Agent Teresa [REDACTED] asking that the FBI and U.S. Department of Justice also look in to the Milwaukee Police being responsible for the August 19, 1989 murders of [REDACTED] and I [REDACTED] as part of the Fed's current preliminary "pattern and practices" investigation into ongoing civil rights violations by Milwaukee police. Subsequently, on November 5, 2012, I mailed a 2-page proposed "Motion to Vacate Defendant's Conviction, Grant a New Trial, and Admit Defendant to Bail" along with a 4-page letter dated November 2, 2012 to Milwaukee County District Attorney John [REDACTED] asking that he take a new look at my 1991 murder convictions and requested D.A. [REDACTED] to help secure my immediate release from prison based upon the noted above granted "250 pages" of "Itinerary of the 'As-Yet-Undisclosed-State-Evidence'". I also enclose a copy of the proposed Motion to Vacate Defendant's Conviction, Grant a New Trial, and Admit Defendant to Bail along with the November 2, 2012 letter to John [REDACTED] from Scott A. Heimermann, for your review.

So for Governor Walker to not provide any chance for a factually innocent man to prosecute a clemency action would mean keeping that individual in prison for crime he or she did not in fact commit. However, the Constitutional meaning of clemency is to *help* (not ignore) a factually innocent prisoner's plea for liberation when the judiciary has repeatedly failed him or her. See *Herrera v. Collins*, 506 U.S. 490, 411-412 (1991)(holding that executive clemency is the answer for the factually innocent when all judicial avenues failed them). As noted in my application for clemency, the *Herrera* rule resonates with my situation because I am unable to obtain any liberation through the courts in light of various judge-made procedural rules that has blocked the courts from actually adjudicating my claims of factual innocence on their merits (please see page 3a of application for executive clemency). Toward that end, in Governor Walker having "suspended" the pardon process in Wisconsin "indefinitely" in spite of prisoners who have already applied for clemency being factually innocent, this is unconstitutional. It is Constitutional error because in my case it is tantamount to a scheme of Governor Walker denying me *minimum* procedural safeguards in an *active* clemency proceeding whereby Governor Walker has essentially "flipped a coin" to determine whether to force the Milwaukee Police Department and Milwaukee County District Attorney's office into undoing the "deliberate malfeasance" in this case and grant an innocent pardon to me

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<sup>3</sup> Like Cook County Judge Tommy Brewer recently noted, such misconduct by police and prosecutors "remind[s] us that what we call the criminal justice system is often anything but just. And to the extent justice is lacking in our criminal justice system, it is not because of human frailties but often the deliberate malfeasance of those we entrust to run the system."



Karley [REDACTED]  
December 26, 2012  
Page Four

through the noted above "Itinerary of the 'As-Yet-Undisclosed-State-Evidence'" because it is the right thing to do. On the other hand, perhaps Governor Walker is committing his own "deliberate malfeasance" in this case by turning a blind eye to the injustices so that he does not run afoul of Milwaukee County District Attorney John [REDACTED] ongoing secret John Doe investigation against Governor Walker and his former and current top aides. See e.g., *Ohio Adult Auth. v. Woodard*, 523 U.S. 272, 289 (1998)(O'Connor, J. concurring). For that purpose, maybe your November 1 letter includes a message about Governor Walker wanting no part of my innocence pardon action because of D.A. [REDACTED] ongoing John Doe investigation against Governor Walker. However, these kinds of policies and practices are not consistent with public policy of the governor's office liberating the factually innocent. See e.g., *State v. Washington*, 83 Wis. 2d 808, 816, 266 N.W. 2d 517, 601 (1978); Wis. Const. art. V, § 4 (noting the powers and duties of the governor).

So I am writing and laying this out as clearly as I can again, even though you and Governor Walker know all this well enough and shouldn't need reminding. Here it is in brief: I did not receive everything as promised regarding my exoneration efforts in my Milwaukee County wrongful convictions from the noted above high-ranking WDOC officials. And now I am asking Governor Walker to help me with my release from prison through an innocence pardon based upon the Itinerary of the As-Yet-Undisclosed-State-Evidence from the Milwaukee Police Department and D.A. [REDACTED] office because it is the right thing to do. Accordingly, I am asking you and Governor Walker to contact Ms. Carlson of the FBI and share the entire file of my innocence pardon with the FBI and U.S. Department of Justice, which resonates with your statement that my application "will be saved for future use." Governor Walker's timely and appropriate cooperation with the FBI and U.S. department of Justice will assist me in pursuing all the facts in the interest of justice in this case. If my application for innocence pardon "will be saved for future use," with arms wide open, Governor Walker can still help "pardon" me therefore negate any further litigation between the parties in this innocence pardon action.

At the same time, as mentioned in my May 30, 2012 and June 6, 2012 letters addressed to Governor Walker, full and immediate disclosure of the aforementioned Itinerary of the As-Yet-Undisclosed-State-Evidence' by the Milwaukee Police Department would itself legally or ethically compel D.A. [REDACTED] to sign the enclosed Motion to Vacate Defendant's Convictions, Grant a New Trial and Admit Defendant to Bail. For that purpose, both the nature of my complaint to Ms. [REDACTED] of the FBI and the FBI and U.S. Department of Justice now looking into a potential pattern of civil rights abuses by Milwaukee police calls for the follow up of the sworn duties of Governor Walker with federal authorities, which will go a long way to ensure that the underlying 'deliberate malfeasance' is in fact righted through D.A. [REDACTED] taking immediate formal action in filing the motion to vacate my 1991 convictions in this case.

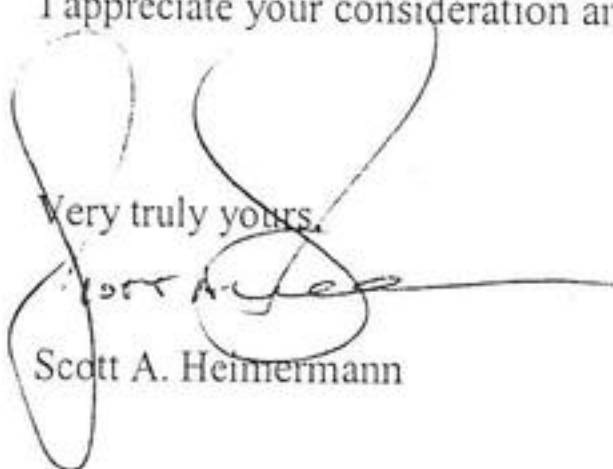


Karley [REDACTED]  
December 26, 2012  
Page Five

Please be informed that a copy of this letter and enclosures are being mailed today to Assistant Attorney General Abigail Potts who is appearing for Governor Walker in the above-referenced appeal.

I appreciate your consideration and look forward to your instructions.

Very truly yours,



Scott A. Heimermann

Enclosures

c w/enc.: Abigail Potts  
Assistant Attorney General  
Wisconsin Department of Justice  
P.O. Box 7857  
Madison, Wisconsin 53707-7857



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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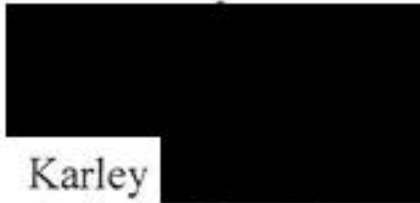
November 1, 2012

Mr. Scott A. Heimermann  
200 South Madison Street  
Waupun, WI 53963-2000

Dear Mr. Heimermann,

The Pardon process has been suspended indefinitely. Applications currently on file will be saved for future use. However, no new applications will be accepted.

Sincerely,

A large black rectangular redaction box covering the signature of Karley.

Karley  
Assistant Legal Counsel  
Office of the Governor