

Attachment
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State of Wisconsin - Notice of Injury & Claim
Pursuant to Wis. Stats. §893.80 & §893.82

Claimant's Name(s) & Address(es):

[Print the name & address for everyone who intends to sue]

Location of Occurrence(s):

[You MUST be specific! Such as,
• The D.A.I. deputy administrator wrote his below-noted letter at 3099 E. Washington Ave., Madison, WI
• My I.C. was dismissed at 1101 Morrison Drive, Boscobel, WI.
etc.]

Time(s) & Date(s) of Occurrence(s):

These are all given under "Facts" below.

[You MUST be specific, or you won't be allowed to sue for state-law claims. (You don't need to do this notice to file a federal-law lawsuit, such as a 42 USC §1983 lawsuit.)
For example, if your people called someone to object to these practices, you'll need to say when, where they called, what #

Facts: [You must write staff's full names, which you can get by requesting them from your prison's Records Dept. under Stat. §1935, explaining that you need the names for a lawsuit & Notice of Claim. You can't sue them otherwise, at least for damages.]

Without any changes in the relevant laws (e.g. Stats. §§ 301.31, 301.32(1) & 973.08(1)), contrary to over 30 years of the WI Dept. of Corrections (W.D.C.) construing the relevant statutes to only authorize prison officials to impose debts on prisoners trust-fund accounts/(tfas) and income that do not exceed 25% and are based on Judgements of Convictions (J.O.C.s) or civil judgements that have been delivered to prison staff for staff to enforce, Dept. of Adult Institutions (D.A.I.) Administrator Jim Schwochert (Schwochert) put into force* D.A.I. Policy & Procedure (P+P) 309.45.02, which came into effect on July 1, 2016 and

a) was used by [state your Bizi Office (B.O.) supervisor's full name, then put his/her last name in parentheses, as done with Schwochert above] to justify putting these obligations on my tfa, despite no judgement having been delivered to prison officials to justify them: [Identify/describe the obligations here, such as attorney fees, fines]. [If you wrote any staff objecting to these fees &/or filed any grievances & appeals,

*Unless stated otherwise, all times herein are during business hours.

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explain here who ^{full names!} you wrote, that you objected to the obligations for being unauthorized, what (if any) their reply was & its date, who recommended any complaint(s) ^{& appeal} be dismissed & on what date, who dismissed any complaint & appeal & on what date.] Due to these people's actions, on the following dates I was deprived of the monies stated after the date for the obligations stated after the amount of money:

[Here, for example, you'd put:
21 Oct. 2016 \$16.27 attorney fees, etc.]

and any future money I'm paid or received will have 50% taken to pay these unauthorized obligations.

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b) reconstrues the relevant laws so as to authorize WDOC staff to search out J.O.C.s that were never delivered to prison staff & to otherwise search for debts prisoners may have & then taking 50% of prisoners' income & gift funds, against prisoners' wishes, to pay those debts. This resulted in [Your B.O. supervisor's last name] placing the following debts on my tfa: | List the amount of money & next to it say what it's for, e.g. \$200 attorney fees]. [Here you put the ^{same} info noted in subparagraph a), above, bracketed & starting in bold "If you wrote any staff..." Write out the rest of sub. a), above here, so you end "...pay these unauthorized obligations"]

c) reconstrues Stat. §301.32(1)'s authorization for WDOC staff to use gift money sent to prisoners [for] the benefit of the prisoner" to absurdly mean that WDOC staff can take 50% from incoming gift funds, against prisoners' wishes to pay any debts they claim prisoners have, despite the statute specifying that may only be done for surcharges & restitution & not at the rate of 50%. This resulted in [Your B.O. supervisor's last name] taking the following amounts of money from gift funds sent on the date following the amount for the "obligation" stated following the date: [E.g., you'd write:

\$20 Dec. 5, 2016 Attorney fees]

[Again, as with the last bracketed direction for sub. b), above, put the same info here described (stated from the bold text in sub. a), above, to the end of sub. a)]

d) incited [Your B.O. supervisor's last name] to re-impose the following debts on me, even though I paid them years ago: [Describe

the debts. E.g. \$200 for Attorney fees]

[Again, put the same info here for this issue as you put in sub. a), from the bold text to the very end of the subparagraph.]

e) reconstructs the relevant laws to authorize WDOC staff to take 50% from prisoners' income & gift for each separate case obligations are supposedly owed on, so that 100% of those monies may be taken, which has resulted in [Your B.O. supervisor's last name] taking: [Put the % taken here or "over 50%", if it's over 50% but you don't know the exact %] of my prison pay on [put the date(s) here] and [Put the % taken] being taken from gift funds I received on [Put the date(s) here] [Repeat as needed] [Again, you know it - put the same info here for this issue as you put for the issue in sub. a), above, from the bold text to the very end of the subparagraph], contrary to Due Process & the Ex post facto clause.

f) prohibits WDOC staff from refunding to prisoners money that was improperly taken from prisoners for supposed obligations, per sub. III. c. of D.A.I. P+P 309.45.02, implying that Schwochert knew money would be improperly taken from prisoners. Thus [Your B.O. supervisor's last name], in a [Put date of his/her response] [Your B.O. supervisor's last name] denied a request I sent [him/her] asking for improperly taken money to be returned. [One last time, put the same info here for this issue as you put for the issue in sub. a), above, from the bold text to the very end of the subparagraph.]

On [Date mailed] the claimant(s) mailed a letter to Jim Schwochert at 3099 E. Washington Ave., Madison, WI, a letter that objected to the forenoted practices & explained how they were illegal, asking that they be annulled & the previous practices/policies be reinstated. This letter was [Or, say if it was not] responded to by [The name of the person who responded] in a letter dated [Date on the response letter], which denied my request, resulting in the forenoted illegal takings of my money to persist & the money already illegally taken not being returned. On [Date filed] I filed an Inmate Complaint (I.C.) with the I.C. Review System (I.C.R.S.) at [Name of institution], concerning the denial of my request in the letter I mailed to Mr. Schwochert [If you don't receive a response to that letter within 11 days of mailing it, file the I.C. - an example of how to write it is attached]. This I.C. was given the # [Put its # here], and in a

[Date of recommendation] Report, I.C. Examiner [I.C.E.'s name here] recommended this complaint be dismissed, [Describe any shrewdness in the I.C.E.'s reasons here]. On [Date], the Reviewing Authority, [Name of decision-maker], decided to dismiss this I.C. on behalf of [Name of the prison's warden]. I filed an appeal of that decision with the Corrections Complaint Examiner (C.C.E.) [if your I.C. was rejected for some reason, explain this & how/when/to whom you appealed]. On [Date on C.C.E. Report] [Name of C.C.E. on Report] recommended this appeal be dismissed. On [Date on Office of Secretary (O.O.S.) Decision] [Name of O.O.S. Decision] dismissed my appeal on behalf of W.D.O.C. secretary Jon Litscher.

Due to the forenoted persons' actions or refusals to act, I (and thousands of other prisoners) continue to have money taken from me in the forenoted illegal manners. This has prevented me from purchasing phone-call credit, postage, stamps, toothpaste, food, vitamins, shower shoes, much of which I purchase from out of state companies (e.g. Union Supply, Access, Securus) or is produced or shipped from/through interstate businesses.

Relief Sought

1) a declaration that the forenoted practices/actions/policy were not authorized by law & violate(d) Wis. Stats. §§ 943.20 Theft, sub. (b); 946.12 Misconduct in public office, sub. (a) & 946.68 Simulating legal process, sub. (1r) and 18 U.S.C. §§ 666 Theft, bribery concerning programs receiving federal funds, subs. (a)(1)(i) & (ii); 1956 Laundering of monetary instruments, sub. (a)(1)(A)(i); 1962 Prohibited activities [under RICO Act], subs. (a)-(d), and, 1963 Criminal penalties [RICO Act]

2) an injunction prohibiting the WDOC from continuing the forenoted illegal practices/actions/policy & requiring the return of all money illegally taken from myself & other prisoners pursuant to those illegal practices/actions/policy.

3) triple damages of what was illegally taken from me and for the harms I incurred from that, or 20,000 dollars, pursuant to 18 U.S.C. §1964 and Wis. Stat. §

4) all costs incurred & that will be incurred by me in my effort to obtain justice in this matter, or 20,000 dollars.

I/we hereby certify under oath that all of the statements contained here in this five (5) page document are true, truthful and correct based on my/our personal knowledge or information and belief, and that the injury & damage actually occurred

[Print Your Name(s) Here], being first duly sworn, on oath, deposes & says that he is the claimant named above & that he has read the above & foregoing Notice of Injury & Claim & that the same is true, truthful & correct, as stated above.

Subscribed & sworn to before me
this ___ day of _____, _____

(Notary Public, state of Wisconsin)
My commission expires: _____

[Sign here, in front of Notary]
[Print your Name]

[Print Date Signed Here]

[Leave these ↑ blanks blank.
The Notary will fill them in]

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