

This is the underlying case that the WI courts fall back to whenever they want to justify placing a person on the Sex Offender list of WI, especially when NO sex crime occurred. Anything from drunk driving to public urination could get one placed on this list, however, it's mainly witnesses to police crimes who end up being treated like rapist's as the list doesn't indicate why they are included and it's ASSUMED that a violent sex crime occurred.

MARCH 22, 2010, UPHELD 2022

Wisconsin Supreme Court rejects challenge to sex offender registry statute.

The Wisconsin Supreme Court, in *State v. Smith* (2008AP1011, March 19, 2010), rejected a constitutional challenge to the Wisconsin sex offender registration statute and affirmed the Court of Appeals decision.

In 2001, Smith pled guilty to a charge of false imprisonment when he and others forced a minor to ride around with them in a vehicle in order to collect a drug debt from the minor's friend. There was no allegation that the false imprisonment entailed anything sexual.

However, under Wisconsin's extremely vague sex offender registry statute, Wis. Stat. § 301.45, Smith is required to register as a sex offender because he was convicted of false imprisonment of a minor. The court noted that 41 other states, including Wisconsin, require individuals convicted of false imprisonment or kidnapping of a minor to register as sex offenders. See *Smith* ¶ 4, Note 4. Because Smith failed to register, he was charged in 2005 with violating Wis. Stat. § 301.45(2)(g) and sentenced to one year of confinement followed by one year of extended supervision.

Smith appealed his conviction and challenged the constitutionality of the sex offender registry statute as it applied to him, claiming it violated his due process and equal protection rights under the United States and Wisconsin constitutions because the crime he committed was not sexual. This was the issue before the supreme court.

The court's analysis

A statute enjoys a presumption of constitutionality, and to overcome that presumption, a party must prove that the statute is unconstitutional beyond a reasonable doubt. See *Id.* ¶ 8. Smith acknowledged that the statute serves a legitimate state interest and, therefore, he did not raise a facial constitutional challenge. Instead, he argued that the statute was unconstitutional as applied to him because requiring him to register is irrational, arbitrary, and cannot be rationally related to any legitimate governmental interest. See *Id.* ¶ 10.

The parties agreed that in this case, a fundamental right is not implicated and that a suspect class is not disadvantaged, therefore the challenged statute is not subject to strict scrutiny review but rather a deferential, rational basis review. The statute "must be sustained unless it is 'patently arbitrary' and bears no rational relationship to a legitimate government interest." See *Id.* ¶ 12.

To have a rational basis, substantive due process requires only that the "means chosen by the legislature bears a reasonable and rational relationship to a legitimate governmental interest." Under equal protection, the legislature must have reasonable and practical grounds for the classifications that it draws, and when determining if there is a rational basis, we must presume that the legislative action is valid. See *Id.* ¶¶ 14-15. The court determined that the analyses under both substantive due process and equal protection are essentially the same.

Registration is in the government interest

Wisconsin's sex offender registration statute broadly defines "sex offense" to include certain offenses without regard to whether they are of a sexual nature, including the offense of false imprisonment if the victim was a minor. "The legislature was well aware of its ability to carve out exceptions to the registration requirement," but in the case of false imprisonment, "the legislature retained the reporting requirement for Smith, and others like Smith, who committed the crime of false imprisonment of a minor, regardless of whether his crime was of a sexual nature." See Id. ¶ 23.

Smith's argument essentially boiled down to the fact that the title of the registry and the statute's language unfairly characterize him as a "sex offender" because the crime he committed was not sexual. The court, however, determined that "the name of the registry and the label that is associated with Smith's crime do not change the fact that the statute includes his offense as one for which registration is required." See Id. ¶ 24.

The court found that requiring Smith to register is rationally related to the government interest in protecting the public and assisting law enforcement because: (1) false imprisonment has been linked to the commission of sexual assault and violent crimes against children; (2) and offender's sexual motive or intent may be difficult to prove or determine within the context of false imprisonment; and (3) false imprisonment places the minor in a vulnerable position because the offender, rather than the minor, has control over the minor's body and freedom of movement. See Id. ¶ 13.

The court further determined that in requiring child abductors to register, the legislature may well have rationally concluded that child abductions are often precursors to sexual offenses. See Id. ¶ 30. In addition, the statute does not require the State to prove what the abductor must have been thinking or whether the abductor committed a sexual act. See Id. ¶ 32. "The legislature conditioned registration for that crime on the victim being a minor, rather than on the State being able to prove sexual motivation." See Id. ¶ 34.

The court, therefore, found that Smith was not able to prove beyond a reasonable doubt that requiring him to register as a sex offender is not rationally related to a legitimate government interest, and the court tallied numerous conceivable, rational reasons why the legislature could have chose to include registration for Smith. The court affirmed the court of appeals decision and concluded that Wis. Stat. § 301.45 is constitutional as applied to Smith.

The dissent

In the dissent written by Justice Bradley, the minority found two errors in the majority's analysis. First, that the majority failed to carefully define the purpose of the statute and, second, that the majority mischaracterized Smith's challenge by blurring the distinction between facial and as-applied challenges.

As to the first error, the dissent discussed the substantial need for accuracy, specificity, and analysis when articulating the nature of the government's legitimate purpose, and found that the majority's determination that the purpose was "to protect the public and assist law enforcement" was far too broad. See *Id.* ¶ 46-47. As a result, "the court waters down its constitutional analysis." See *Id.* ¶ 52.

As to the second, the dissent argues that the majority did not undertake an analysis appropriate to an as-applied for constitutional challenge.

Because Smith posed an as-applied challenge, the dissent argues that the majority must tie the legitimate government purpose underlying the sex offender registry to the facts of Smith's case. Therefore, the question presented is whether the registration requirement is constitutional even though it is undisputed that Smith's crime was not sexually motivated and involved no sexual act or misconduct. See *Id.* ¶ 61.

"The majority ducks the actual question presented by flipping it on its head," the dissent continued. "It addresses hypothetical facts." As a result, the dissent concludes, the majority failed to provide meaningful review, "depriving citizens of the touchstone of due process protection of the individual against arbitrary action of the government."

Sheboygan, WI district prosecutor, Joel Urmanski, has for year's used the SOR as a weapon for malicious defamation of character.



Within my own case, Urmanski has lied to a Supreme court investigation into BRADY Rule violations. One such lie was that he had no involvement in case 09-cf-299. When I supplied court records of Urmanski lying to investors and obstructing, the Supreme court entered into record -

1. It appears that Atty. Urmanski was involved in 2009CF299 by responding to your petition on June 30, 2016. Did Atty. Urmanski do any other work on 2009CF299? Can you provide documentation to support that assertion? Perhaps you are thinking of another attorney?

Part of the evidence turned over is what Urmanski suppressed.

The states/Sheboygan only witness against me had sent an email to numerous people.

Hi My Name is April and i want all you people that think you have your life horrible sorry people but you have it made compared to me i might not look like my life is horrible but it is i hide all the pain and everything inside i just finally gave up and told my friends it and From doing this i will find out who my true friends are and who isnt so its your choice do you want to be not a true friend or will u stay being my true friend i cant pick but this sure will tell me who my true friends are...Please keep it to your self if anyone else finds out my life will be even more horrible and i dont need that and i dont think u want me to. so here we go...

when i was born my mom had 4 other kids and i am the youngest and she didnt have the money to support another child so she gave me away

and i never seen or heard of my mother after i came out of her

and i was in foster care for most of my life and then when i was like 5 my grandmother found me and she took me in

and while i was living there i was gettin raped by my grandfather every time he had the chance and i couldnt do anything about it i was too young and no one would believe me and taht kept on going on till the age i am now 15

and then last year

Me and my family in Alabama

On July 10th of 2010, the email was entered into evidence and a rape charge filed against Seymour's grandfather. Urmanski had the evidence and charges buried on the grounds that April Seymour is a known pathological liar and her claim to sexual assault nothing more than a cry for attention.

When more than a decade of domestic terrorism, sedition, and treason by this corrupt prosecutor had passed, I came into additional BRADY material. Missing police records that no crime ever occurred and that dirty cop's being protected by the prosecutors office of a frame up.

██████████ together, one hugging, one kissing and one with her sitting and him standing next to her. She stated they looked through photo albums, which consisted of photos from the fair and a car show and the races, but nothing of any pornographic nature. She stated they were not able to look at photographs on the computer that day because his monitor was broken. She stated at one point during the photo shoot, ██████████ went into his bedroom with him, and he took photos of her. Some of the photos consisted of her topless wearing only her bra. ██████████ stated she did not remove any other clothing, and when ██████████ came out, she showed them the photos of her where she was wearing only her bra on the top but she was wearing clothes on the bottom. ██████████ did not see any pornographic photographs in his apartment, but states he has a photograph of a woman on his entertainment center wearing just a bra.

This evidence is shown in full in

<https://ricobusters.com/ricomedia/2023Jason17pagesofdocuments-exoneration.pdf>

A new BRADY investigation was started January 27th of 2021.

Urmanski obstructed again by claiming all evidence of a frame up was turned over and subsequently kbnwn to Urmanski since May 15th of 2009.

Based on a preliminary intake evaluation of your inquiry, the Office of Lawyer Regulation has determined that there is an insufficient basis to proceed. You assert that certain documentation, specifically a May 15, 2009 police report, was not provided to you by the state in your criminal case, Sheboygan County Case Number009CF299. District Attorney Urmanski disputes your assertion and states that the police report was provided to your counsel in discovery on or about September 16, 2009. Additionally, the audio recording of that interview was also provided to your counsel. The information received does not indicate a misrepresentation or a knowingly false statement of fact by Atty. Urmanski. The information provided did not offer sufficient proof that Atty. Urmanski violated any of the rules of professional conduct. Therefore, the matter will not be forwarded for formal investigation, and will be closed at this time. We have, however, spoken with Mr. Urmanski in order to make him aware of your concerns.

If knowing a man is innocent and framed isn't bad enough, Sheboygan police have reported Urmanski as well.

This isn't some "criminal" saying the county DA is corrupt, it's police.

Urmanski knowingly obstructed police from arresting a violent sex offender while allowing two children to be sexually assaulted!

Child Neglect

occurred at 1604 N. 15 Street reference C17-21135. I assisted Officer Woodward in this case and through the investigation of this case we assisted Child Protective Services with removing a child that belonged to [redacted] from the residence on N. 15 Street. The report related to this check welfare had been seen by the DA's office, who brought to Sgt. Kuszynski's attention the open bail bond for Maria concerning no contact with 2 individuals that lived inside of the residence. The 2 individuals that lived inside the residence that were named in [redacted] bail bond were [redacted] and [redacted]. It should be noted that during the check welfare [redacted] child was located inside of the residence and I had no previous knowledge whether or not Maria had actually went to the residence or if someone else had brought the child there.

Former prosecutor S. Bass

At approximately 1733 hours, I assisted Officer Bastil with a sex offense that would have occurred at 1604 N. 15 Street with Maria as the victim. I met Officer Bastil near the intersection of N. 15 Street and Saemann Avenue where he was speaking with [redacted] concerning the incident. When I arrived I spoke with [redacted] who was there with [redacted]. In speaking with [redacted] she had informed me that [redacted] had been spending the last several days at the residence on N. 15 Street as she had been having issues with her previous living situation. [redacted] further stated that [redacted] has been sleeping overnight inside of the residence. [redacted] informed me that [redacted] and [redacted] both were residents at N. 15 Street and indicated that [redacted] had contact with both [redacted] and [redacted] during her time at the residence. [redacted] further informed me that [redacted] had been sending text messages to [redacted]. [redacted] stated that she knew this due to the fact that she had found out about the sex offense that we were currently investigating through [redacted] having received messages from [redacted] concerning the possible offense.

I later had contact with Angel who informed me that [redacted] child had been picked up by himself at the library and that [redacted] had not actually gone to the residence. I informed Angel that while investigating the check welfare we had gathered the impression that Maria had come to the residence and he advised me that again [redacted] had not been to the residence and did not have any contact with [redacted] and [redacted]. Angel was aware that [redacted] had an open bail bond through which she was not allowed to have contact with [redacted] or [redacted] and said that this was the reason she would not come over to the residence. Angel informed me that the plan was for when [redacted] was ready to get her child back, she would contact him and then he would deliver the child to wherever [redacted] currently was. I asked [redacted] was currently staying then and he advised that he was not exactly sure but that she was bouncing between houses. I informed Angel that it would be reasonable for him to want to assist his daughter with finding a place to live especially when she is going through a hardship, but he insisted that Maria was not staying inside the residence.

Through the investigation of the sex offense reference C17-21188, DA Urmanski had been informed of the bail bond as well as the development of probable cause to arrest Angel for a possible sexual assault of [redacted] that would have occurred at 1604 N. 15 Street. Sgt. Kuszynski informed me that he had spoken with DA Urmanski concerning the bail bond violation and DA Urmanski had advised that due to her reporting the sexual assault that they would not be arresting [redacted] at that time for the bail bond violation. Sgt. Kuszynski informed me to complete a bail bond violation report and have the information forwarded to the DA office.

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