

SUSAN T. ERTMER  
Winnebago County Clerk

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## Winnebago County

County Clerk

*The Wave of the Future*

TO: County Board Supervisors

FROM: Sue Ertmer

DATE: September 30, 2013

RE: Resolution No. 269-92013: Disallow Claim of Peter J. Long (Incident date: July 24, 2012/October 31, 2012) - WITHDRAWN

At the September 17 meeting, Supervisor Roh withdrew the above-mentioned resolution so that Mr. Long would have time to submit information supporting his claim.

I have now received a packet of information from Mr. Long. Typically, if someone submits information to the Board, they provide all the copies. In this case, Mr. Long only sent me one 17-page set of documents. Because of the number of pages of information he submitted, I prefer to only make copies for those of you who are interested in receiving it. If you would like a copy of it, please let me know.

Another option would be for me to scan the document and email it to you. If you would prefer to receive it this way, please let me know.

TO: Sue Ertmer - CLERK

Winnebago County

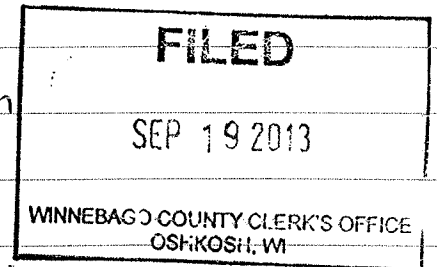
Winnebago County Courthouse - Room 110  
P.O. Box 2808  
Oshkosh, WI 54903-2808

FROM: Peter J. Long #383030

Dodge Correctional Institution

P.O. Box 700

Waupun, WI 53963



RE: Notice of Injury and Claim for Damages Against Winnebago County DA Investigator Jim Goggins pursuant to Wis. Stats. § 893.80

Documentation/Exhibits from Claimant LONG for Winnebago County Board of Supervisors for September 17, 2013, Board Meeting.

PLEASE COPY: Letter & Exhibits For Board Members

DATE: Friday, Sept. 13, 2013 ← Won't leave DCT  
til Monday 9/16/13

Dear Clerk Ertmer:

I just received your letter today, 9-13-13, advising me that I cannot appear via telephone or WRIT for the Winnebago County Board Meeting on 9-17-13. You did not give me much time to prepare this letter and assemble the necessary Exhibits necessary to prove merit to my claim. Therefore, I was forced to handwrite this letter along with send you my ORIGINAL

Exhibits / documents, PLEASE return my documents after you have copied everything for Board Meeting Members. If you don't have time to process this request, I respectfully request this matter be adjourned until the next Board Meeting so my due process rights are not violated.

### Documents Enclosed For Exhibits:

Investigative Report by Jim Goggins

Peter J. Long's Motion To Dismiss

ADA's Eric Sparr's Motion and Order To Dismiss Without Prejudice

### COMMENTS:

The meritless, negligent "Witch Hunt" initiated by the Winnebago County DA and incompetent, subsequent investigation by Jim Goggins will not be tolerated by an Honorable Discharged U.S. Army/WIARNG Infantry Soldier such as myself.

The proof of negligence, gross negligence, and complete incompetence is as follows:

- ① It was "Open Public Record" that I was represented by the State Public Defender Program. Anybody could search CCAP and find that out, ESPECIALLY a legal investigator.
- ② There are 72 Counties in the State of Wisconsin. Why would Investigator Goggins call only 1 County's Office of the State Public Defender's Office? He

should have simply called the State Public Defenders' Office main office in Madison. They would have the information for ALL 72 Counties. This is common sense. We don't live in the State of Winnebago do we? State = Wisconsin as taught in elementary school.

③ Why would Investigator Goggins call a office clerk at Fox Lake Correctional Institution to ask her if I was receiving Food Stamps? How the hell would she know?

An analogy to that gross incompetence is like a person calling the Green Bay Packers Ticket Office to ask them what the legal, minimum length for a Walleye catch is? It make NO sense.

Why wouldn't Investigator Goggins call the Wisconsin Foodshare Program Headquarters in Madison to obtain accurate information?

Isn't it common sense to call the head offices in the State to provide specific information related to their programs and their clients?

Either some form of compensation agreement is reached in this matter or I guarantee, 100%, that I would love to try this matter in Civil Court, pro se, in front of a Jury. I guarantee they will agree with the aforementioned arguments. In addition, there is NO immunity for ~~the~~ Jim Goggins in his individual capacity and/or official capacity because he breached his duty to be accurate and thorough.

EDS (F)

WINNEBAGO COUNTY DISTRICT ATTORNEY  
INVESTIGATION REPORT

District Attorney Case No.: 2013WN563

Offense: False Swearing Class H Felony – 946.32(1)(a) – 10 counts

Date of Offense: Between May 16, 2012 through December 18, 2012

Location of Offense: Dodge County and Winnebago County, WI



Investigator(s): Jim Goggins

**PERSON(S) INVOLVED**

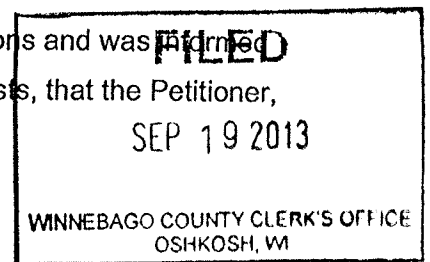
<u>Last Name</u>	<u>First Name:</u>	<u>MI</u>	<u>Date of Birth:</u>	<u>Role:</u>
<u>Address:</u>			<u>Phone:</u>	
LONG	PETER	J.	09/19/1967	DEF
1135 MANOR DR. NEENAH, WI 54956			920-540-6523	

**NARRATIVE:**

01/16/2013

I, Investigator Jim Goggins, received a letter from District Attorney Christian Gossett who had been given this letter by Circuit Court Judge Barbara H. Key. This letter stated there was a Petition for Waiver of Fees and Costs and Affidavit of Indigency that had been filed with the Court by Peter J. Long. This was in regard to Case No. 13GF001. The Court believed that the affiant, Peter Long, had falsely swore that he was receiving food stamps when he signed the affidavit on December 17, 2012. Additionally, on the same case, the same affiant, the defendant swore he was represented by the State Public Defender's office which, according to Judge Key, the defendant was not.

The Court further contacted the Wisconsin Department of Corrections and was informed by them that on the date of filing of the Petition for Waiver of Fees and Costs, that the Petitioner,



Peter Long, was an inmate of the Wisconsin Prison System and therefore not receiving food stamps. Further, the Petition indicates that there was only \$200.00 in his checking account and that he further owns property in Winnebago County, therefore the Court found the Petitioner not to be indigent.

After receiving this information I checked the Wisconsin Circuit Court Access Program (CCAP), and found that in Winnebago County, from May 16<sup>th</sup>, 2012 through December 18, 2012, the defendant, Peter Long, filed ten (10) cases with the Courts in Winnebago County where he swore that he was receiving food stamps and/or representation by the Public Defenders Office and that he was indigent. He also swore and signed an affidavit in each of those cases.

- Case No. 2013GF001, filed before Judge Key the defendant signed as the affiant, indicated that he was receiving both food stamps and representation by the Public Defenders Office. Denied by Judge
- Case No. 2012GF026, filed before Judge Woldt, the defendant signed as the affiant, indicated that he was represented by the Public Defenders Office. In this case he did not claim food stamps. It was denied by Judge Woldt.
- Case Nos. 2012GF0018, 2012GF0014, 2012GF0013, 2012GF0012, filed before Court Commissioner Kuech, the defendant signed and swore to by the defendant where he claimed he was receiving food stamps and legal representation from the Public Defenders Office which was in not true. Court Commissioner Kuech denied each case.
- Case Nos. 2012CV1642 and 2012IP10, filed before Judge Jorgensen, the defendant signed as the affiant, both claimed he was represented by the Public Defenders office but did not claim he was receiving food stamps. Both cases were granted by Judge Jorgensen.
- Case No. 2012IP0007, the case was filed twice, both times before Judge Gritton. The first filing was on May 16<sup>th</sup>, 2012 and the second filing was on July 24, 2012. In these cases, the defendant claimed he was receiving food stamps and was being represented by the Public Defenders Office. First time denied , 2<sup>nd</sup> time granted.

\*\*Of the ten (10) cases filed by Peter Long, the defendant, nine of the cases were notarized by a notary name Robert P. Zabkowicz. Robert Zabkowicz is the librarian and a notary for Fox Lake Correctional Institute in Dodge County where Peter Long the defendant was incarcerated at the time of these filings. I sent a copy of each signature to Mr. Zabkowicz and he confirmed that he was the notary on each of those cases and he personally knows Peter Long and the signature was Peter Longs. He indicated that the signature is in fact Peter Long's and Peter Long signed it in Robert Zabkowicz' presence.

The other case, 12GF0013, was notarized and was also done at Fox Lake Correctional Institute while Peter Long was incarcerated. The notary on this case was

Julie L. Bassuener who also confirmed, after receiving a copy I sent to her, that Peter Long did sign in her presence and swore to her that it was a correct statement. Since the time of that signing Julie's last name has changed to Dahm. Both Julie Dahm and Robert Zabkowicz can be reached at Fox Lake Correctional Institute, 920-928-6957. W10237 Lake Emily Rd., Fox Lake, WI 53933

Mr Long was incarcerated @ Fox Lake 3 different times:

10-01-01 to 10-26-01

10-09-09 to 4-08-10

01-30-12 to 01-15-13

Now released.

Jan 23, 2013 I also checked w/ the Public Defender's Office in Oshkosh and was told that the last time Peter Long was represented by the Public Defender's Office was in 2008. And that any representation in Court matters in Winnebago Co would go thru the Oshkosh office.

Copy's of Court cases and letters attached

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Inv. Jim Goggins

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

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STATE OF WISCONSIN,

Plaintiff,

vs.

PETER J. LONG, D.O.B. 09/19/1967,

Defendant.

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CRIMINAL COMPLAINT

CASE: 2013-CF-0240

CRIMINAL CHARGE

**Count 1: FELONY FALSE SWEARING, REPEATER**

The above-named defendant on or about Tuesday, July 24, 2012, in the City of Oshkosh, Winnebago County, Wisconsin, did make or subscribe a false statement which he did not believe to be true, when the oath or affirmation was authorized or required by law, contrary to sec. 946.32(1)(a), 939.50(3)(h), 939.62(1)(b) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Simulating Legal Process in Chippewa County 08 CF 68 on May 20, 2008, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

**Count 2: FELONY FALSE SWEARING, REPEATER**

The above-named defendant on or about Wednesday, October 31, 2012, in the City of Oshkosh, Winnebago County, Wisconsin, did make or subscribe a false statement which he did not believe to be true, when the oath or affirmation was authorized or required by law, contrary to sec. 946.32(1)(a), 939.50(3)(h), 939.62(1)(b) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Simulating Legal Process in Chippewa County 08 CF 68 on May 20, 2008, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

03/21/2013



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Goggins/ Curtis/ Venne, of the Winnebago County District Attorney's Office, being first duly sworn on oath and in that capacity has knowledge of the following:

Your affiant is informed from the reports of the Winnebago County District Attorney's Office kept in the normal and ordinary course of business in which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past that In early 2013, Inv. J. Goggins of the Winnebago County District Attorney's Office investigated **PETER J. LONG, D.O.B. 9/19/67**, fraudulently claiming that he was receiving food stamps and being represented by the State Public Defender in order to obtain fee waivers on cases filed in Winnebago County Circuit Courts. Inv. Goggins found ten Petitions for Waiver of Fees and Costs from May 16, 2012, to December 18, 2012, where Long claimed that he was currently represented by the State Public Defender and/or was receiving Food stamps/FoodShare.

On January 23, 2013, Inv. Goggins spoke with a representative of the State Public Defender in Winnebago County, Wisconsin. Inv. Goggins was informed that Long had not been represented by the Public Defender since 2008. Inv. Goggins contacted Fox Lake Correctional Institute, W10237 Lake Emily Road, Fox Lake, Dodge County, Wisconsin. Long was incarcerated at Fox Lake Correctional Institute from January 30, 2012, to January 15, 2013. On March 18, 2013, Inv. Goggins spoke to Ann Kriegel, supervisor for Income Maintenance at Winnebago County Human Services. Kriegel reported that Long was not receiving food stamps from May, 2012, to December, 2012.

One of the incidents of false swearing was in connection with the Petition for Waiver of Fees and Costs - Affidavit of Indigency and Order filed by Long in Winnebago County 12 CV 1642. Long checked the box indicating that he was currently receiving legal representation based on indigency, and noted that it was from "Wisconsin State Public Defenders Program." The document appears to be signed by Long on October 31, 2012, and was sworn to Robert Zabkowicz. The fee waiver was granted by Hon. John Jorgensen on November 12, 2012, after

being submitted to the Circuit Court in Winnebago County, Wisconsin. It does appear that the affidavit must be sworn to apply for waiver of fees.

Another incident of false swearing was in connection with the Petition for Waiver of Fees and Costs - Affidavit of Indigency and Order from Winnebago County 12 CV 1171 (12 IP 07). Long checked the box indicating he was represented by the "State Public Defenders Program" based on indigency. Long appears to have signed the affidavit on July 24, 2012, and it was sworn to Robert Zabkowicz. The fee waiver was granted by Hon. Thomas Gritton August 6, 2012, after being submitted to the Circuit Court in Winnebago County, Wisconsin. A similar Petition had been filed and denied in the same case where Long also included that he was receiving Food stamps/FoodShare. That Petition was denied by Hon. Thomas Gritton on July 13, 2012, indicating "show proof beyond section 1." Long had sworn the affidavit to Robert Zabkowicz on May 15, 2012.

Inv. Goggins spoke to Zabkowicz, who stated he was the librarian and a notary for Fox Lake Correctional. Inv. Goggins sent Zabkowicz the documents at issue, and Zabkowicz confirmed that he was the notary in each incident, and that he was familiar with Peter Long, and that Long had signed each document in Zabkowicz's presence.

CCAP records, which have proven to be reliable in the past, show that Long was convicted of felony Simulating Legal Process in Chippewa County 08 CF 68, with a date of conviction of May 20, 2008.

All of the above incidents occurred in Winnebago County, Wisconsin.

*apleton*

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

STATE OF WISCONSIN,

Plaintiff,

**MOTION TO DISMISS**

Vs.

**Case No.: 2013-CF-0240**

PETER J. LONG,

Defendant.

**DEFENDANT'S MOTION TO DISMISS**

HERE COMES the Plaintiff, Peter J. Long, appearing pro se, hereby moves the Court to dismiss all the charges (Counts 1 & 2), and dismiss this entire case. The grounds for this Motion are as follows:

**COMPLAINT ALLEGES THAT THE DEFENDANT, PETER J. LONG, WAS NOT REPRESENTED BY THE STATE PUBLIC DEFENDER'S OFFICE DURING 2012:**

1. Defendant Long was arrested for OWI (5+) on September 15, 2011 in **Washington County**. Washington County Case No.: 2011-CF-0345. This case is still in the Washington Circuit Court – Branch 1, and ongoing.
2. The Washington County State Public Defender's Office ("SPD") appointed Attorney William A. Mayer to represent Defendant Long on September 16, 2011.  
(See Exhibit "A" – Notice of Appointment)

Attorney William A. Mayer  
MAYER LAW OFFICE, LLC  
Centrum Building  
120 North Main Street, Suite 360  
West Bend, WI 53095

Telephone: (262) 338-1415  
FAX: (262) 338-7714

3. Attorney William A. Mayer, State Public Defender Appointed Lawyer, has represented Defendant Long, uninterrupted, to the present since September 16, 2011. (See Exhibit "B" – Letter from Attorney Mayer)
4. Therefore, Attorney Mayer, appointed by the SPD Office, represented Defendant Long during the entire 2012 year.
5. Attorney Mayer is still currently representing Defendant Long on the Washington County Case No.: 2011-CF-0345.

**COMPLAINT ALLEGES THAT THE DEFENDANT, PETER J. LONG, WAS NOT RECEIVING FOOD STAMPS DURING JULY 2012:**

6. Defendant Long's Food Stamp Case Number is: 4140497742.
7. Defendant Long received Food Stamps financial assistance prior to his Extended Supervision Revocation Sentence during 2011.
8. Defendant Long had a positive balance on his Food Stamp account in the amount of \$639.45, at the time of his arrest in Washington County for Case No.: 2011-CF-0345.
9. Defendant Long maintained these Food Stamps benefits, positive balance of \$639.45 during his entire incarceration which included all of the 2012 year.
10. Therefore, during July 2012, Defendant Long still maintained Food Stamps benefits in the amount of \$639.45, but was unable to use them due to his incarceration. However, these Food Stamps benefits still existed during July 2012.
11. Exhibit "C" is Defendant Long's official Food Stamp EBT Transaction Detail for the year 2013 to date. Defendant Long was released from prison, Fox Lake

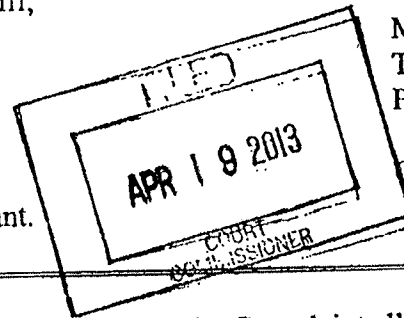
STATE OF WISCONSIN,

Plaintiff,

Vs.

PETER J. LONG,

Defendant.

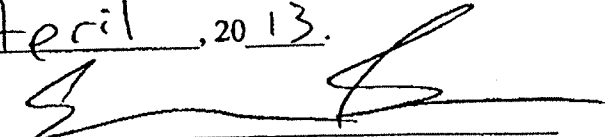


MOTION AND ORDER TO DISMISS WITHOUT PREJUDICE

CASE NO. 13 CF 240

The State moves to dismiss the above matter without prejudice. The Complaint alleged that Mr. Long falsely swore that he was represented by the State Public Defender, and that he was "receiving Food stamps/FoodShare." The District Attorney's Office investigator was told by the State Public Defender's Office that Mr. Long was not represented by them, but after looking into the information presented by Mr. Long, the State agrees that he was. The Food stamp/FoodShare issue is less clear, as he maintained a balance during his incarceration, but we not actually *receiving* benefits. Whether he is technically guilty or not, the ultimate inquiry was satisfied by Public Defender representation alone. Wis. Stat. § 814.29(1)(d) indicates that the court *shall* make a poverty finding if a defendant is represented by a legal services program for indigent persons. Even if the Food stamps/FoodShare claim was falsely sworn, it had no impact anyway.

Dated at Oshkosh, Wisconsin, this 18 day of April, 2013.


  
 Eric Sparr  
 Assistant District Attorney  
 Winnebago County, Wisconsin

**ORDER**

IT IS SO ORDERED THAT the above motion is granted in its entirety.

Dated at Oshkosh, Wisconsin, this 19<sup>th</sup> day of April, 2013.

BY THE COURT:

  
 Commissioner John Kuech  
 Winnebago County, Wisconsin

Cc: Atty. D. Templeton

Copy sent to D'se

