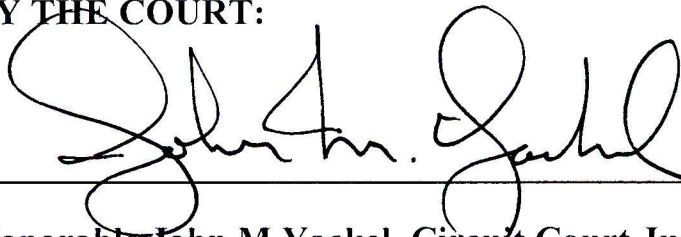
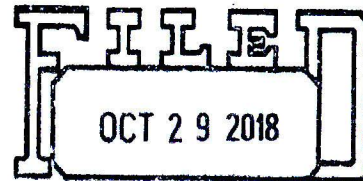


BY THE COURT:



Honorable John M Yackel, Circuit Court Judge

Date: October 29, 2018



Sawyer County  
Clerk of Circuit Court  
Hayward, WI 54943

STATE OF WISCONSIN      CIRCUIT COURT      SAWYER COUNTY

State of Wisconsin,

Plaintiff,

ORDER TO SHOW CAUSE AS TO  
WHY THE DEFENDANT HAS  
NOT BEEN APPOINTED AN  
ATTORNEY IN A TIMELY  
MANNER PURSUANT TO  
WISCONSIN CHAP. 977

vs.

Krystin Rose Tainter,

Case No. 2018-CF-194

Defendant.

**WHEREAS**, the Defendant, Krystin Tainter, is criminally charged with a Class C Felony in Sawyer County Case No. 2018-CF-194 and was placed on a \$1,000 cash bond on July 24, 2018; and

**WHEREAS**, Defendant, Krystin Tainter, posted a \$1,000 cash bond on July 31, 2018 and was released from the Sawyer County Jail but still required, as a condition of her bond, to test daily with the Sawyer County Criminal Justice Coordinator to ensure she is maintaining absolute sobriety; and

**WHEREAS**, the Defendant, Krystin Tainter, is indigent and qualifies for the appointment of an Attorney by the Wisconsin State Public Defender in Sawyer County Case No. 2018-CF-194 pursuant to Wisconsin Chap. 977; and

**WHEREAS**, on October 23, 2018, the Defendant, Krystin Tainter, appeared in this Circuit Court for a scheduled status conference and whereby this Circuit Court was informed by the Public Defenders' Office in Spooner that an attorney search was conducted statewide and over 900 Attorneys were contacted (see Attachment 1); and

**WHEREAS**, the Public Defenders' Office in Spooner has informed me via email that they have been unable to find an Attorney to represent Krystin Tainter at this time even though over 90 days have passed since a \$1,000 cash bond was imposed and at least 80 days have elapsed since the expiration of her preliminary hearing time-limits pursuant to Wis. Stat. sec. 970.03(3); and

**WHEREAS**, the present situation can accurately be described as a "constitutional crisis," it has been ongoing for the last year and has steadily worsened to the point where the economic impact on Sawyer County may have future and irreversible consequences; and

**WHEREAS**, this Circuit Court has appointed an Attorney pursuant to SCR 81.02, to criminal defendants who qualify for a public defender appointment, 116 times in the past calendar year (see Attachment 2); and

**WHEREAS**, Sawyer County has paid the Attorneys appointed pursuant to SCR 81.02 and this Circuit Court has subsequently sought reimbursement from the Wisconsin State Public Defender on behalf of Sawyer County; and

**WHEREAS**, this Circuit Court, on behalf of Sawyer County, prior to October 9, 2018, has only received partial re-payment from the Wisconsin State Public Defender for appointment of an Attorney pursuant to SCR 81.02, and

**WHEREAS**, this Circuit Court has now received correspondence from the Wisconsin State Public Defender denying all reimbursement to Sawyer County for 18-JV-5, 18-CF-237, 18-CF-208, 18-CM-46, 18-CF-70, 17-CF-343, 17-CF-255, 17-CM-25, because the appointment of an Attorney pursuant to SCR 81.02 occurred too quickly, even though the responsibility of appointment and payment is the Wisconsin State Public Defender and the State of Wisconsin (see Attachment 3); and

**WHEREAS**, legal counsel for the Wisconsin State Public Defender, Devon Lee, notified this Circuit Court by letter dated October 9, 2018, that if any future appointment of Attorneys made by this Circuit Court pursuant to SCR 81.02 and subsequently submitted for reimbursement to Sawyer County from the Wisconsin State Public Defender, would not occur unless the Wisconsin State Public Defender had the “opportunity to share with the Circuit Court its efforts to find counsel for that individual before the Circuit Court appoints counsel” (see Attachment 3); and

**WHEREAS**, pursuant to the Constitution of the United States of America and the Constitution of the State of Wisconsin, a criminal Defendant has the absolute fundamental right to have an attorney and to demand a speedy trial; and

**WHEREAS**, pursuant to the Constitution of the United States of America and the Constitution of the State of Wisconsin, a criminal Defendant has the fundamental right to substantive due process; and

**WHEREAS**, pursuant to Wisconsin Chap 977, the Wisconsin State Public Defender is required to appoint an attorney for an indigent criminal Defendant; and

**WHEREAS**, the current head of the Trial Division for the Wisconsin State Public Defender is, upon information and belief, Attorney Jennifer Bias (see Attachment 4); and

**WHEREAS**, despite the protections of the 5<sup>th</sup> and 6<sup>th</sup> Amendments of the Constitution of the United States of America and the requirements of Wisconsin Chap. 977, indigent criminal Defendants including, but not limited to Krystin Tainter, are experiencing undo delay in the appointment of an Attorney that



jeopardizes the fundamental rights protected by the Constitution of the United States of America and the Constitution of the State of Wisconsin; and

**WHEREAS**, upon information and belief, the fair and equal application of Wisconsin Chap. 977 is apparently an impossibility under its current structure and current funding levels potentially resulting in the deprivation of Liberty without due process; and

**WHEREAS**, the citizens of Sawyer County are subjected to state taxes, they are required through those taxes to support and fund the Wisconsin State Public Defender (a State Agency) as do all citizens of Wisconsin, but currently do not receive the same services from the Wisconsin State Public Defender as other Counties resulting in an unfair and inequitable burden being placed on the citizens of Sawyer County by having to pay for the appointment of an attorney through an appointment under SCR 81.02, even though the criminal Defendant is indigent and qualifies for appointment of an Attorney through the Wisconsin State Public Defender which should be paid for by the State of Wisconsin per statute;

**WHEREAS**, this Circuit Court Judge and every Attorney licensed to practice Law in the State of Wisconsin has taken an oath to support the Constitution of the United States of America and the Constitution of the State of Wisconsin; and

**WHEREAS**, the integrity and principles embodied in the criminal justice system in the State of Wisconsin and in other jurisdictions within the United States of America, serve as the basic internal and external controls as described by James Madison in Federalist 51 and represents the first line of defense against TYRANNY, which has formed the basis throughout history for despotic rule and subjugation of its citizens and the deprivation of LIBERTY; therefore

**IT IS HEREBY ORDERED**, that the head of the trial division, Jennifer Bias, or a designated representative, appear in person before this Circuit Court on January 7, 2019 at 9:00 a.m., to show cause and offer an explanation as to why it has taken over 90 days to appoint an attorney for Krystin Tainter in 2018-CF-194 even though she is charged with a Class C Felony, is a citizen of this Country, has a \$1,000 cash bond with conditions, is indigent, qualifies for an appointment of an Attorney through the Wisconsin State Public Defender and entitled (despite guilt or innocence) to the fundamental natural rights protected by the Constitution of the

United States of America and the Constitution of the State of Wisconsin, and further

***IT IS HEREBY ORDERED***, that the head of the trial division, Jennifer Bias, or a designated representative, appear in person before this Circuit Court on January 7, 2019 at 9:00 a.m., to show cause and offer an explanation as to why this Circuit Court, based on equity and sound fiscal management, should not order full reimbursement by the Wisconsin State Public Defender to Sawyer County for all expenses incurred by Sawyer County when the appointment of an Attorney pursuant to SCR 81.02 is necessary to avoid violations of the Constitution of the United States of America and the Constitution of the State of Wisconsin, due to the inability of the Wisconsin State Public Defender to appoint pursuant to Wisconsin Chap. 977.