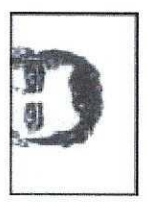


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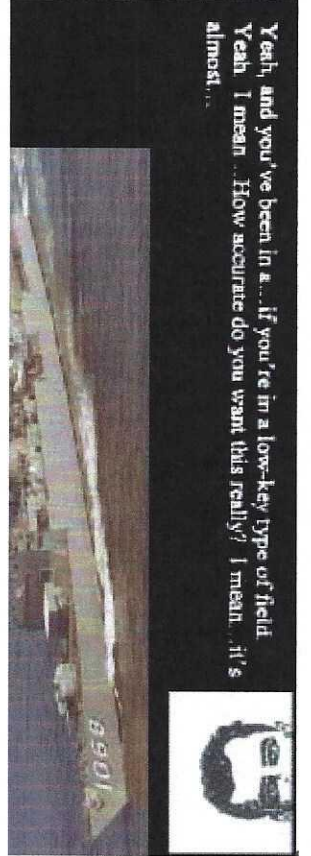
Page 2

2 of



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Yeah, and you've been in a... if you're in a low-key type of field. Yeah, I mean... How accurate do you want this really? I mean... it's almost...



UNITED STATES COURT OF APPEALS FOR SEVENTH CIRCUIT

In Re:)

Ambassador Leo Wanta, Somalia)

Ambassador to Canada)

and Switzerland, DPP#-04362) Court of Appeal

& 12535, aka Lee E. Wanta,) Case No: 02 1878

aka Leo E. Wanta; and)

)
)

Petitioner)

)

vs)

)

State of Wisconsin, Dane County Circuit)

Court presently presiding judge over)

Case No. 92-CF-683; and)

State of Wisconsin;)

)

James E. Doyle, Attorney General of the)

State of Wisconsin; and)

)

Such other parties with the State of)

Wisconsin subject to the Orders of this)

Court to satisfy the requested relief.)

)

Respondents.)

DOCKETING STATEMENT

Counsel for Petitioner submit this Docketing Statement pursuant to the Circuit Court Rules and the Federal Rules of Appellate Procedure:

1. **Court-Location, Docket Number and Judge:** Petitioner's requested Writ of Mandamus and other requested relief would concern jurisdiction over the Petitioner in the State of Wisconsin and most particularly Case No. 92-CF-683 filed in State of Wisconsin, Dane County, Circuit Court. The majority of the proceedings in the subject case were before Dane County Circuit Court Judge Michael B. Torphy.

2. **Parties to this Appeal:** The parties to this cause of action are Ambassador Leo Wanta, aka Lee E. Wanta, aka Leo E. Wanta (collectively referred to herein as "Wanta") the Ambassador from Somalia to Canada and Switzerland as Petitioner and the named Respondents and such other Respondents known and/or unknown within the State of Wisconsin that would be needed or required to perform acts or duties within the State of Wisconsin to implement the Orders and/or Mandates from this Court.

3. **Corporate Registration Disclosure:** Petitioner is not aware of any corporate disclosure information that is required to be filed in conjunction with the cause of action brought before this Court by the Petitioner.

4. **Brief Description of the underlying factual basis giving rise to Petitioner filing the present cause of action before this Court:** Petitioner is entitled to inviolability from jurisdiction in the State of Wisconsin and other jurisdictions of the United States based on the following summary of the pertinent facts and issues more completely delineated in the Petition under consideration before this Court:

Wanta received official investiture from the President of Somalia as Ambassador from Somali to Canada and Switzerland in June of 1993. Wanta entered the United States in November of 1993 and was arrested by special agents of the FBI on a Federal Warrant based on a claim by the State of Wisconsin pertaining to flight to avoid prosecution. Wanta presented Diplomatic Passports as the Somalia Ambassador to Canada and Switzerland as his entry documents to immigration officials when clearing United States customs. His Diplomatic Passports contained Identification Cards for travel to the United States issued by the United States Consulate located in Switzerland. Wanta did

not possess nor present to Immigration/Customs officials a United States passport for purpose of obtaining permission to enter the United States.

In personal luggage and briefcases, clearly marked as "Diplomatic Pouches", observed by Wanta to have been taken into possession by the arresting FBI agents upon his arrival in the United States, were original documents evidencing the official investiture of Wanta as an Ambassador from Somalia with Somalia Government seals and other appropriate certifications.

In an initial appearance before the United States District Court in New York on the Federal Warrant the sitting judge acknowledges the Diplomatic passports and other documents and on motion of the United States Attorney dismissed the case. Before leaving the United States Courthouse Wanta is arrested by local New York police based on a telephone request from the State of Wisconsin (USA). Wanta at no time regains possession of any of his personal items including his Diplomatic Passports. Without issuance of a Governor's warrant or an extradition hearing, State of Wisconsin county law enforcement officers transport Wanta from the State of New York to the State of Wisconsin (USA).

Starting on or before the arrival of Wanta in the United States and continuing at virtually every stage of every county court proceeding in the State of Wisconsin Wanta asserts that the State of Wisconsin has no jurisdiction over him and reiterates repeatedly that he is the Ambassador from Somalia to Canada and Switzerland. Wanta not only repeatedly objected to jurisdiction at county court proceedings but also continually advised all jail personnel, law enforcement officers and others of authority in the State of Wisconsin (USA) of his entitlement to Diplomatic Immunity.

At one or more county court proceedings in the State of Wisconsin reference is made to the personal "Diplomatic" items of Wanta including, but not limited to, his Diplomatic Passports that are either being held by the State of Wisconsin county court, the Attorney General's office or some other arm of the judicial system or agency of the State of Wisconsin (USA) Government. After almost daily claims and arguments by Wanta concerning his Diplomatic Immunity status, a hearing is held by the County Court and in summary the County Court rules that the evidence is not credible since all the court has is copies of what appears to be generic passports with no legible names and no documents that are believable. The County Court judge did not find that Wanta was not an Ambassador. The County Court judge found that the evidence documenting the

Diplomatic status of Wanta was not credible for the reasons herein stated. The presiding county court judge denies Wanta's claim of Diplomatic Immunity for the stated reasons irrespective that the county court judge had or should have had knowledge from previous court proceedings (in front of the same judge and clearly identified within county court transcripts) that the originals of the county court judge "questioned" documents were in the possession of an office or agency under the control of the State of Wisconsin (USA).

5. Result of Prior Court Proceedings: Petitioner on or before November of 1993 and at multiple and repetitive times thereafter, substantially complied with 22 USC 254 and Article 40 of the Vienna Convention on Diplomatic Relations. International law and laws of the United States require that upon compliance with the statutory reference and treaty, by a person claiming Diplomatic Immunity that the burden shifts to the "State" of establishing "jurisdiction" over the Diplomat by a preponderance of the evidence. Irrespective of the statutory and treaty compliance by Petitioner the State of Wisconsin has never met or assumed their required burden. The ruling by any court on this issue has resulted in an ongoing and continual miscarriage of justice based on clearly erroneous and misguided court opinions. Both the State of Wisconsin Dane County Circuit Court and the United States District Court for the Western District of Wisconsin have improperly addressed and unjustly ruled on the issue of Diplomatic Immunity for the Petitioner. The applicable orders from either court set the basis and foundation for this Court to consider and appropriately rule on the pertinent and relevant issues in the Petition before this Court.

6. Issues to be presented on Appeal:

a. Is Petitioner entitled to Diplomatic Immunity under 22 USC 254 et seq. and the 1961 Vienna Convention on Diplomatic Relations, 23 U.S.T. 3227? The legal references provide in part as follows:

1. 22 USC 254(d) provides:

Any action or proceeding brought against an individual who is

entitled to immunity with respect to such action or proceeding

under the Vienna Convention on Diplomatic Relations, under section 254(b) or 254(c) of this Title, or under any other laws

extending diplomatic privileges and immunities, shall be dismissed.

Such immunity may be established upon motion or suggestion by or on behalf of the individual, or as otherwise permitted by applicable rules of procedure.

2. Article 40 of the Vienna Convention on Diplomatic Relations provides in part:

If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa is necessary, while proceeding to take up or return to his post, or when returning to his own country, the third state shall accord him inviolability and such other immunities as may be required to ensure his transit or return.

b. Does the United States Code Section and the provision of the Vienna Convention set forth in paragraph a., above, based on all known facts, result in a lack of jurisdiction over the Petitioner by the State of Wisconsin (USA)?

c. Are there sufficient documented facts that have been readily available and known by the State of Wisconsin (USA) since July of 1993 and on or before November of 1993 to

lead a reasonable person to believe that Petitioner satisfied the requirements of 22 USC 254(d) and applicable provisions of Article 40 of the Vienna Convention on Diplomatic Relations entitling Petitioner to be accorded inviolability from State of Wisconsin (USA) jurisdiction and such other immunities as necessary to protect Petitioner's International Diplomatic position?

d. Has the State of Wisconsin (USA) wrongfully maintained possession of Diplomatic Passports, Diplomatic papers and/or Diplomatic/federally protected items beyond time periods deemed reasonable by International law and/or United States laws and regulations?

e. Has the State of Wisconsin (USA) had information, facts and/or substantiating documentation in the possession of the State of Wisconsin (USA) for more than a necessary period of time to enable a reasonable and prudent judicial court and/or judicial officer of the court to determine that Petitioner met the requirements of the applicable United States Code sections and provisions of International treaties to entitle Petitioner to his Diplomatic Immunity?

f. Has Petitioner, contrary to both International law and the Laws of the United States of America been held as a political prisoner by the State of Wisconsin (USA) and subjected to violations of internationally protected Human Rights?

7. Timeliness of the filing Petition before this Court: This action is timely brought before this Court as the United States District Court for the Western District of Wisconsin and the State of Wisconsin, Dane County, Circuit Court improperly ruled on the issue of "jurisdiction". Jurisdiction by the State of Wisconsin over the Petitioner is the substantive issue in the Petition before this Court. Petitioner has never waived his right to object to jurisdiction, Somalia has never waived the Diplomatic Immunity rights that should be afforded to Petitioner and invalid jurisdiction over the "person" never waived is always an "issue" for appellate review. It does not seem logical that Diplomatic Immunity entitlement can be ignored by a "State". The clear intent of an international treaty to which the United States is a party cannot be ignored through an erroneous and obviously misguided ruling by any court. Reasonable satisfaction of the 22 USC 254 and the Vienna Convention by Petitioner negates jurisdiction and absent the "State" satisfying jurisdiction by a preponderance of the evidence all court proceedings are null and void and/or voidable.

Certificate of Mailing

I hereby certify that on this ____ day of April I caused the above set forth Docketing Statement consisting of 7 pages inclusive of this Certificate of Mailing to be mailed postage and/or express mail charges prepaid to the following:

James E. Doyle Dane County Circuit Court

Attorney General Clerk of the Court

Wisconsin Department of Justice 210 Martin King Jr. Blvd

123 West Washington Avenue GR-10

P.O. Box 7858 Madison, Wisconsin 53709-0001

Madison, WI 53703

Unite States Court of Appeals

Seventh Circuit

Clerk of the Court

219 Dearborn Street

Chicago, Illinois 60604

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