

STATE OF WISCONSIN : CIRCUIT COURT : VILAS COUNTY

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STATE OF WISCONSIN,

Plaintiff,

vs.

Case No. 01-CF-115

DAVID W. FELDSTEIN,

Defendant.

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**MOTION TO DISMISS**

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The defendant, David W. Feldstein, appearing specifically by his attorneys, The Shellow Group, and reserving his right to challenge the Court's jurisdiction, moves the Court for an Order dismissing this action. This motion is brought pursuant to Wis. Stats. §§971.31(2) and (5), on the grounds that the Court lacks jurisdiction over the defendant because (*the complaint contains statements that are deliberately false or that were made in reckless disregard for the truth/the state recklessly omitted from the complaint certain facts that, had they been included, would have resulted in a lack of probable cause*), thereby denying the defendant due process and equal protection of law in violation of the rights guaranteed by the Fifth, Sixth, Seventh, Eighth and Eleventh Amendments to the United States Constitution; article I, sections 1, 3, 6, 7, 8 and 11 of the Wisconsin Constitution; and *Franks v. Delaware*, 438 U.S. 154 (1978), and *State v. Mann*, 123 Wis.2d 375, 367 N.W.2d 209 (1985).

IN FURTHER SUPPORT, the defendant asserts:

(Specify the facts supporting the relief requested.)

Dated at Milwaukee, Wisconsin, this \_\_\_\_\_ day of February, 2002.

Respectfully submitted,

THE SHELLOW GROUP

DAVID W. FELDSTEIN, Defendant

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Robin Shellow, State Bar No. 1005062  
Angela Kachelski, State Bar No. 1020860

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