

FILED
12-02-2024
CIRCUIT COURT
DANE COUNTY, WI
2024CF001295

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

STATE OF WISCONSIN,*Plaintiff,**v.*

Case No. 2024 CF 1295

JAMES TROUPIS,

Defendant.

**JAMES TROUPIS'S FIRST MOTION TO DISMISS
(FAILURE TO ALLEGE A CRIMINAL OFFENSE)**

James Troupis, by counsel, files this first motion to dismiss under Wis. Stat. § 971.31; Article I, §§ 7 and 8 of the Wisconsin Constitution; the Fifth and Fourteenth Amendments to the United States Constitution; and those cases, statutes, and other authorities cited herein. This Motion attacks the Court's ability to exercise personal jurisdiction over Troupis because the criminal complaint fails to set out probable cause that he committed the crime of forgery or conspired with others to utter a forged document. The nature of this attack on the complaint means that this motion must be heard before an initial appearance takes places. As set out more fully in the brief in support of the motion, here are the essential facts and legal principles that entitle Troupis to relief.

Troupis represented President Trump during the 2020 recount in Wisconsin. The legal challenges related to that recount were on-going when the statutorily prescribed deadline for electors to meet and cast their votes for the President occurred—noon on

December 14. To be clear, the Wisconsin Supreme Court had ruled 4–3 against Troupis’s challenge at 10:00 AM that day. But to ensure that his client’s rights were protected in case of a reversal by the U.S. Supreme Court the Republican electors met and cast their ballots for Trump. That practice of having both sets of electors meet and vote during an on-going legal challenge or recount is over a century old – starting in 1876, continued in 1960, and was espoused by Justices Ginsberg and Stevens in 2000. Having the Republican electors meet and cast their ballot was not criminal or even untoward and the ballot was not a forgery. As explained more fully in the accompanying brief, when a criminal complaint fails to set out facts establishing probable cause that a crime was committed, it must be dismissed.¹

WHEREFORE, James Troupis respectfully requests that this Court dismiss the criminal complaint.

Respectfully submitted this 2nd day of December, 2024.

JAMES TROUPIS, *Defendant*

Electronically signed by Joseph A. Bugni

Joseph A. Bugni

Wisconsin Bar No. 1062514

HURLEY BURISH, S.C.

P.O. Box 1528

Madison, WI 53701-1528

jbugni@hurleyburish.com

(608) 257-0945

¹ *State ex rel. Cullen v. Ceci*, 45 Wis. 2d 432, 442-43, 173 N.W.2d 175 (1970), *quoted with approval in State v. White*, 97 Wis. 2d 193, 197, 295 N.W.2d 346, 348 (1980); *State ex rel. Evanow v. Seraphim*, 40 Wis. 2d 223, 226, 161 N.W.2d 369, 370 (1968).