

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2024 CF 1295

JAMES TROUPIS,

Defendant.

**JAMES TROUPIS'S SECOND MOTION TO DISMISS
(DELIBERATE OMISSION OF UNDISPUTED AND MATERIAL FACTS)**

James Troupis, by counsel, files this second 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 omits undisputed and material facts that defeat there being probable cause that he committed the crime of forgery or conspired with others to utter a forged document.¹ 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, which is combined with the brief in support of the first motion to dismiss, here are the essential facts and legal principles that entitle Troupis to relief.

¹ *State v. Mann*, 123 Wis. 2d 375, 367 N.W.2d 209 (1985).

After the 2020 recount in Wisconsin, the propriety of using alternate electors was challenged in a complaint before the Wisconsin Elections Commission. The Commission solicited a lengthy memo from the Attorney General—it's attached as Exhibit A to the brief in support of this motion. In it, the Attorney General set out the history of using alternate electors, the necessity of alternate electors during a disputed election, and that in 2020 the dispute over Wisconsin's election was on-going when the Republican electors met and cast their votes. The Attorney General's lengthy and detailed memo, sets out the precedent supporting everything that Troupis and others did as it relates to alternate electors and it concluded by rejecting the very argument made in the criminal complaint. Namely, the electors met in "a concerted effort to ensure that they would be mistaken, as a result of their deliberate *forgery* and fraud, for Wisconsin's legitimate Presidential Electors," in response to that the Attorney General found: "the record does not support this allegation."

As explained more fully in the accompanying brief, when a criminal complaint is read with these additional undisputed facts, it's clear that it fails to establish probable cause that a crime was committed, and it must be dismissed.²

² *Id.*; *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).

WHEREFORE, James Troupis respectfully requests that this Court dismiss the criminal complaint for lack of competence.

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