

FILED
06-17-2019
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122

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8 **STATE OF WISCONSIN CIRCUIT COURT**
9 **FOR THE COUNTY OF DANE**

10 LEONARD POZNER,
11 Plaintiff,

12 vs.

13 JAMES FETZER,
14 MIKE PALECEK, AND
15 WRONGS WITHOUT WREMEDIES, LLC,

16 Defendants

CASE NO.: 2018-CV-003122

**AFFIDAVIT TO REPLACE DECLARATION
OF A.P. ROBERTSON, FORENSIC
DOCUMENT EXAMINER, EXPERT
TESTIMONY AND PEER REVIEW OF
DOCUMENT EXAMINATION REPORT
FROM LARRY R. WICKSTROM**

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18 **AFFIDAVIT OF A.P. ROBERTSON**

19 I, A.P. Robertson, hereby declare, state, certify, represent, warrant and testify under penalty
20 of perjury, all of the facts set forth in this Affidavit are of my own, personal knowledge are true and
21 correct to the best of my understanding and are in compliance with Wisconsin Code of Civil
22 Procedure and Statutes, Chapter 802. More specifically, Section 802.08(3), under the Wisconsin
23 Legislature. ALL PARTIES SHOULD DISREGARD MY PRIOR DECLARATION, as this
24 Affidavit will replace it in its entirety. If called as a witness I could and would competently testify as
25 to the following:
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28 I. My name is A.P. Robertson. I am a resident of Santa Clara, California.

- 1 2. I am a Mortgage Loan Auditor and Forensic Document Examiner and I am currently the
2 Chief Auditing Officer at KMBA ASSET LIQUIDATIONS.
- 3 3. I have over 28 years of full-time experience in all aspects in the fields of Forensic
4 Document Examination, Real Estate and Mortgage Banking with extensive knowledge
5 and training in Fraud Detection and Loss Mitigation.
- 6 4. I am a member of the American Society for Testing and Materials International, my
7 member number is #1694306. I am a participating member of the ASTM Committee on
8 Forensic Sciences and I am on the Sub-Committee responsible for setting the standards
9 and practices of Digital and Multimedia Evidence for the organization and I have full
10 voting status for my committee and sub-committee.
- 11 5. I have received extensive expert training in all aspects of Forensic Document Analysis by
12 some of the most highly regarded experts in the country who handle the big cases that
13 make national news.
- 14 6. I have extensive training by instructors from all of the major United States Government
15 agencies concerning the area of Forensic Sciences, specifically, fraudulent documents
16 and expert testimony in federal and superior court.
- 17 7. In compliance with Federal Rule 26(a)1(B), my disclosures are listed in my Curriculum
18 Vitae along with my qualifications and experience, which is attached to this declaration.
- 19 8. In the normal course of my daily business I am often asked to verify the accuracy and
20 validity of reports, documents and Exhibits that are submitted to the court in cases
21 requiring expert testimony in my area of experience and expertise, as well as prepare
22 original Forensic Document Examinations.
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BACKGROUND

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- 27 9. I was contacted by Dr. James Fetzer on June 3, 2019 and asked to do a peer review of a
28 Forensic Document Examination done by Mr. Larry Wickstrom that would be submitted

1 to the court in the instant matter. I understand that time is of the essence and that I would
2 not be able to take the time that I would normally like for a case like this. So, this report
3 will be brief. If the court requires more detail, or has any questions, I will make myself
4 available. My Client has informed me that he may need me to do a full Forensic
5 Document Examination of original documents, to be used in trial.

6 10. After reviewing the Forensic Document Examination Report by my colleague Mr.
7 Wickstrom, I concur in large part with his findings.

8 11. Additional items that I feel deserve further attention and/or investigation are the State
9 File Numbers. Several samples have no file number, one has a stamped file number that
10 is almost completely blank, save the last 3 digits, which can be recognized as "243."
11 However, one sample has a handwritten State File Number as, "2012-07-078033." This
12 appears to be a later version of the document, based on the fact that there is a note on the
13 top that states boxes 12 & 22 were corrected by the Father Leonard Pozner 6-14-13.
14 However, the stamped file number has been completely erased and written by hand. This
15 anomaly is most difficult to explain.

16 12. Box 18 contains the words "Father's Name (First, Middle, Last), and is filled in with
17 "Lenny Pozner." This is highly unusual, as normal formal documents have the full name,
18 including middle name and nicknames are generally not accepted by the Registrar for
19 obvious reasons.

20 13. Another anomaly that bears mentioning is the multiple different font types, sizes and
21 darkness, to the point where several entries look as if they were bold. Although these
22 anomalies may be able to be explained by the Registrar, the relevant factors still remain.
23 Would a reasonable person of average intelligence look at these anomalies and come to
24 the conclusion that something suspicious is going on?
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- 1 14. During my review and examinations of Questioned Documents during the last 28 years, I
2 have had extensive experience interviewing, examining, cross-examining, witnesses who
3 have submitted Questioned Documents to me personally, or to the Courts directly.
- 4 15. Admittedly, I do not have any degrees in Psychology or Psychiatry. However, I do have
5 extensive observational experience in dealing with literally thousands of people who are
6 or have been under extreme duress, before, during and after their attempts to create or
7 manipulate documents unlawfully. Although there is no quantitative way to describe my
8 expertise in this arena, I would not feel uncomfortable calling myself an expert in this
9 specific field.
- 10 16. I would be happy to entertain any questions from that the Court may feel appropriate in
11 order for the Court to determine if my testimony in this arena would be of value to the
12 Court in adjudicating the instant matter.
- 13 17. Additionally, I consider myself a reasonable person of average intelligence and
14 representative of a large percentage of the public who would also consider themselves
15 reasonable and of average intelligence.
- 16 18. Furthermore, Plaintiff has admitted that he made alterations to the Death Certificate. On
17 06-13-13 he apparently unlawfully changed the Death Certificate. Ironically, in Plaintiff's
18 Affidavit, he failed to submit the new, unlawfully modified Death Certificate. It is
19 unknown why he did not submit the most recent documents to this Court.
- 20 19. **Connecticut Regulations, Title 19a - Public Health and Well-being**, outlines the rules
21 and regulations that are required to correct, modify or amend a vital record.
- 22 20. **Title 19a-41-6(f)** states: "*Except as otherwise specified by statute, no information shall*
23 *be removed or otherwise changed on a vital record if such information is known to be*
24 *accurate.*" Plaintiff claims to have made the alteration to the Death Certificate on his
25 own motion. Plaintiff's ex-wife's was listed as the informant on the Death Certificate and
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1 listed the address of her son as 37 Alpine Circle, Sandy Hook, CT 06482, which is
2 apparently where she and the children lived.

3 21. **Sec. 19a-41-7** states: "*Supporting documentation for amendment or correction: A*
4 *registrar of vital statistics shall amend or correct a vital record upon the written request*
5 *of a party authorized under section 19a-41-8 of the Regulations of Connecticut State*
6 *Agencies to make such request when the party provides documentation to support the*
7 *requested change. Only unaltered documents will be accepted. In addition to*
8 *documentary evidence, the requesting party shall also provide an affidavit affirming that*
9 *the existing vital record is incorrect or incomplete, and that the newly provided*
10 *information is accurate.*" Not only were Examiners not provided with any supporting
11 documents, nor the required affidavit, Plaintiff has failed to submit any documentation
12 whatsoever into this case to demonstrate his compliance with Section 19a-41-7.

14 22. In all fairness to the Plaintiff, he should be allowed to submit evidence of his compliance
15 with the Statute, if he has accidentally omitted this evidence.

17 23. **Connecticut General Statutes 7-36 (9)** states: "*Correction*" means to change or enter
18 *new information on a certificate of birth, marriage, death or fetal death, within one year*
19 *of the date of the vital event recorded in such certificate, in order to accurately reflect the*
20 *facts existing at the time of the recording of such vital event, where such changes or*
21 *entries are to correct errors on such certificate due to inaccurate or incomplete*
22 *information provided by the informant at the time the certificate was prepared, or to*
23 *correct transcribing, typographical or clerical errors;" There is no evidence that the*
24 *information provided by the informant at the time the certificate was prepared was*
25 *inaccurate, hence any alterations would be unlawful accordingly.*

27 24. There is also no evidence filed into the record, that would tend to support his altering or
28 causing to be altered, the Death Certificate. Specifically, there is no Affidavit on file from

1 the former Mrs. Pozner that states that she made an error as the informant on the Death
2 Certificate, nor is there any evidence whatsoever that she acknowledged her error at the
3 time and agrees to alter the Death Certificate.

4 25. In many cultures, altering a Death Certificate can be extremely taboo and disrespectful to
5 the deceased and any change, alteration, amendment or addition may tend to cause
6 friends and family members extreme duress and trigger rational, or not, feelings and
7 superstitions that can cause themselves and others undue emotional distress and delay the
8 healing process.

9 26. I realize the failure of Plaintiff to enter into evidence an Affidavit by the former Mrs.
10 Pozner, admitting her error of giving the incorrect address and agreeing to any changes,
11 may not be relevant to this case. However, my job as a Forensic Document Examiner is
12 not solely based on my observations of the Questioned Document(s), but also on the
13 motives, mindsets and mens rea of the parties that may be involved.

14 27. As a matter of fact, I would estimate about 10-15% of my cases are solved specifically
15 because of these factors. For example, in this instant matter, if I were provided more
16 time, I would like to depose the former Mrs. Pozner and see if her culture has any issues
17 with altering a Death Certificate and also confirm Mr. Pozner's sworn testimony that they
18 both agreed to the alteration/desecration of the Death Certificate.

19 28. If the former Mrs. Pozner's Affidavit is in conflict with Mr. Pozner's sworn statement
20 under oath, it may tend to impeach him in front of the jury and could significantly alter
21 the results of this case.

22 29. Another example of how external factors/evidence can offer invaluable insight into a case
23 is to look for name changes and or know alias. Although there may be perfectly logical
24 explanations for honest American people to have changed their name(s) and/or have pen
25 names, nick names, pet names, pseudonyms and other aliases, either nefarious or not,
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1 when a jury is provided evidence of multiple different designations for the same person,
2 they often find that it helps them in determining the credibility of the witnesses.

3 30. Specifically, in this case, Mr. Pozner submitted into evidence documents that appeared to
4 be a legal and lawful name change, from a New York Court. This by itself is not illegal or
5 even unethical. As a matter of fact, I commend Mr. Pozner for being so honest and up
6 front with this fact from the beginning.

7
8 31. In my research and attempts to locate the former Mrs. Pozner, I found it unusually
9 difficult. The main reason is that there seems to be multiple people with similar names
10 and the exact same birth date of April 24, 1967, who have lived at the same addresses.
11 For example, the former Mrs. Pozner, Veronique Patricia Pozner, Veronique Patricia
12 Haller, Veronique P Vabner, Veronique De La Rosa, all appear to be the same person. Of
13 course the former Mrs. Pozner could have had multiple failed marriages and divorces,
14 however, further clarification would be valuable. Without speculating, if the former Mrs.
15 Pozner also changed her name, legally or illegally, I feel this would be a material fact in
16 this case. In my experience, when people have multiple names and they do not have a
17 reasonable reason for the name change, like marriage, divorce or Federal Witness
18 Protection, their name change is often associated with some type of fraud or deception.
19 Again, I am not implying that there is fraud or deception in this case, however, I do
20 believe these are material facts that are highly unusual and making this information
21 available to the jury may significantly aid them in determining the credibility of the
22 witness.
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25 32. It is for this reason that I respectfully ask the Court to grant Defendant(s) and myself a
26 little leeway in regards to my testimony. I am well aware that I may be stretching the
27 Court's patience by this request and I, in no way mean any disrespect to your honor, but I
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1 feel if the Court could see to indulge my request, I feel that material facts may come to
2 light, without causing any undue prejudice to any of the parties.

3 33. Additionally, I feel it would be prudent for Defendants to inquire with the Registrar and
4 ask for proof of documentation for the modification and possibly be deposed, and/or elicit
5 a written Affidavit from a party who has direct knowledge of this specific Death
6 Certificate and its lawfully required companion documents on file from Mr. Pozner's
7 correction(s), along with a brief explanation of the numerous other visual anomalies
8 present in the Death Certificate(s) to clear up any confusion.

9
10 34. In addition to the death certificates, I have examined the Social Security Card of Noah
11 Samuel Pozner. Since 1936, the Social Security Card has been changed by the Social
12 Security administration 34 times. Many of the changes that are done are not made readily
13 available to the general public. The Social Security Card that was submitted by Plaintiff
14 was redacted; however public records indicate the number is 043-11-8199. This number
15 was issued between the years 2006-2008. This information can be easily verified by the
16 Social Security Administration.

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18 35. Given the way that the Social Security Administration issues the numbers, the first three
19 digits represent the state code. The middle two digits represent the date code and the last
20 4 digits are random, however, they are issued by the SSA sequentially. All numbers in the
21 group are issued until the last one "9999."

22
23 36. If we know that SSN 043-11-9999 was issued in 2008, SSN 043-11-0001 was issued in
24 2006, there is a reasonable probability that SSN 043-11-5555 was issued in 2007.

25 37. Given the date of birth of the decedent, 11-20-2006, and the last four of his SSN of 8199,
26 the estimated issue date for this number is mid to late 2007 plus or minus the standard
27 mathematical deviation.
28

1 38. Of course this method does not give an exact date and just because the probability
2 extremely high, that fact, in and of itself is not conclusive.

3 39. What is conclusive is that the Social Security Card that was submitted by Plaintiff, under
4 oath, into evidence in this case is not in the form/style of ALL Social Security Cards that
5 were issued by the United States Social Security Administration in December of 2006.

6 40. If the date claimed by Plaintiff is accurate, then the decedent's Social Security Card
7 would have the date issued on the face of the card. Since this card does not have the date
8 on the face of the card, it is the old format and is very likely a forgery.

9 41. Additionally, upon close examination of the card, there are more anomalies that make
10 this card highly suspect. For example, the "L" in Samuel is a full two pixels lower than
11 the rest of the letters in the middle name. The "N" in the last name is also two full pixels
12 below the rest of the letters in the last name, except the "R", which is a full two pixels
13 above the rest of the letters. See below.

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16 POZNER
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20 42. Although there may be a logical explanation for the serious issues, it is highly unlikely. I
21 would recommend that the Court order the original card to be produced so I can do a full
22 Forensic Examination on the original. If Plaintiff is either unwilling, or unable to produce
23 the card, the Court should most certainly take that fact into account when adjudicating the
24 instant matter.

25 43. In my experience, when I expose a potentially altered or fabricated document based on a
26 copy, almost without fail, the submitting party will be unwilling or unable to submit the
27 original document to the Court.
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CONCLUSION

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2 Due to the deadline that I have been given, I regretfully will not be able to complete a full
3 investigation and examination of my own, however, with the clear evidence that has been
4 documented in Mr. Wickstrom's report already, I believe the minimum standard for a
5 Forensic Document Examination has been successfully met.

6 In any event, without accusing anybody of criminal activity, I will say this: given the vast
7 array of different versions of the same document and all the numerous documented
8 anomalies that are clearly visible, combined with the multiple names for the same two parties
9 and a very suspect Social Security Card, I would ask the question, "Would a reasonable
10 person of average intelligence, have reason to suspect there is something suspicious going
11 on? I think that the answer is almost certainly yes. I would dare to say that any person of
12 average intelligence would come to the conclusion that there appears to be some sort of
13 intentional document manipulation.
14

15 I certify under penalty of perjury, with my full commercial liability, under the laws of the state of
16 California & Wisconsin, the previous is true and correct to the best of my knowledge.

17 Respectfully Submitted,
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19 June 15, 2019



20 A.P. Robertson,
21 Forensic Document Examiner
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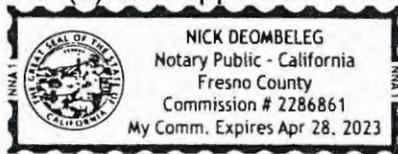
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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of FRESNO

Subscribed and sworn to (or affirmed) before me on this 15TH day of JUNE, 2019, by A. P. ROBERTSON

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature Nick Deombeleg

