



Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts six new cases

Madison, Wis. (June 1, 2020) – The Wisconsin Supreme Court has voted to accept six new cases, and the Court acted to deny review in a number of other cases. The case numbers, counties of origin and the issues presented in granted cases are listed below. More detailed synopses will be released at a later date. More information about pending appellate cases can be found on the Wisconsin Supreme Court and Court of Appeals Access [website](#). Published Court of Appeals opinions can be found [here](#), and the status of pending Supreme Court cases can be found [here](#).

2018AP669

Collison v. City of Milwaukee Bd. of Review

Supreme Court case type: Petition for Review

Court of Appeals: District I

Circuit Court: Milwaukee County, Judge Glenn H. Yamahiro, affirmed

Long caption: State of Wisconsin ex rel. Ronald L. Collison, Petitioner-Appellant-Petitioner v. City of Milwaukee Board of Review, Respondent-Respondent

Issues presented:

1. Whether the policy used by the city of Milwaukee in valuing contaminated property, “City of Milwaukee Environmental Contamination Standards (CMECS)”, conforms to statute.
2. Whether the assessor for the city of Milwaukee considered the impairment of the properties market value due to the presence of contamination as required by statute § 70.32(1m).
3. Whether the assessment in the instant action conforms to Wisconsin statutes.

2018AP1114

Christus Lutheran Church v. Wisconsin DOT

Supreme Court case type: Petition for Review

Court of Appeals: District III

Circuit Court: Outagamie County, Judge Carrie A. Schneider, reversed and cause remanded for further proceedings.

Long caption: Christus Lutheran Church of Appleton Plaintiff-Appellant, v. Wisconsin Department of Transportation, Defendant-Respondent.

Issues presented:

1. Should this Court grant review of the Court of Appeals' decision because it misconstrued Wis. Stat. § 32.05(2)(a)?
2. Should this Court review the circuit court's decision on the merits and conclude that the jurisdictional offer DOT made to Christus was "based" "upon" the appraisal?

2018AP1239

Applegate Farm v. Wis DOR

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Green County, Judge Thomas J. Vale, affirmed in part; reversed in part and cause remanded

Long caption: Applegate-Bader Farm, LLC, Plaintiff-Respondent-Cross-Appellant, v. Wisconsin Department of Revenue and Richard Chandler in his capacity as Secretary of the Department of Revenue, Defendants-Appellants-Cross-Respondents

Issue presented:

1. Whether Wisconsin state agencies need to consider indirect environmental effects when determining whether to issue an environmental impact statement ("EIS") under Wis. Stat. § 1.11(2)?

No. 2018AP2419-CR

State v. Mercado

Supreme Court case type: Petition for Review

Court of Appeals: District 1

Circuit Court: Milwaukee County, Judge Jeffrey A. Conen, reversed and cause remanded with directions

Long caption: State of Wisconsin, Plaintiff-Respondent v. Angel Mercado, Defendant-Appellant.

Issues presented:

1. Did the Court of Appeals contravene Wis. Stat. § 901.03(1)(a) when it directly reviewed Mercado's forfeited challenges to the admission of the victims' forensic- interview videos into evidence?
2. Did the circuit court properly admit the victims' forensic-interview videos into evidence at trial? This question presents four sub-issues:
 - a. Did the circuit court comply with Wis. Stat. § 908.08(2)(b) when it reviewed the relevant portions of two child victims' forensic-interview videos before playing them to the jury?
 - b. Did the Court of Appeals conflict with binding case law when it rejected the State's argument that all three victims' forensic-

interview videos were admissible under the residual hearsay exception?

- c. Was the youngest victim's forensic-interview video also admissible under Wis. Stat. § 908.08(3)(c) or as a prior inconsistent statement?
- d. Did the circuit court comply with Wis. Stat. § 908.08(5)(a) when it allowed the youngest victim to testify before playing her forensic-interview video for the jury?

2019AP90-CR

State v. Savage

Supreme Court case type: Petition for Review

Court of Appeals: District I

Circuit Court: Milwaukee County, Judge Mark A. Sanders, reversed and cause remanded with directions

Long caption: State of Wisconsin, Plaintiff-Respondent v. George E. Savage, Defendant-Appellant

Issues presented:

1. Did Savage prove that he was entitled to withdraw his plea without showing a reasonable probability that his defense would have succeeded at trial?
2. Did State v. Sholar, 2018 WI 53, 381 Wis. 2d 560, 912 N.W.2d 89, prevent the Court of Appeals from affirming the circuit court's determination that counsel was not ineffective based on the evidence at the Machner hearing?

2019AP2397 and 2020AP112 Zignego v. Wis. Election Comm.

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Ozaukee County, Judge Paul V. Malloy, reversed and cause remanded with directions

Long caption: State of Wisconsin ex rel. Timothy Zignego, David W. Opitz and Frederick G. Luehrs, III, Plaintiffs-Respondents v. Wisconsin Elections Commission, Marge Bostelmann, Julie Glancey, Ann Jacobs, Dean Knudsen and Mark Thomsen, Defendants-Appellants

Issues presented:

1. Does Wis. Stat. § 6.50(3) apply to the Wisconsin Elections Commission ("WEC")?
2. Was it proper to order WEC to comply with Wis. Stat. § 6.50(3) and, as is required by that law, to deactivate the voter registrations of voters within 30 days of sending them a notice and receiving no response?
3. Was it proper to find WEC and certain of its commissioners in contempt for failing to comply with the Writ of Mandamus for 32 days after the Circuit Court granted the Writ, and for twice voting not to comply with the Writ?

Review denied: The Supreme Court denied review in the following cases. As the state’s law-developing court, the Supreme Court exercises its discretion to select for review only those cases that fit certain [statutory criteria](#) (see Wis. Stat. § 809.62). Except where indicated, these cases came to the Court via petition for review by the party who lost in the lower court:

Burnett

18AP1371-CR State v. Songetay

19AP2281 Eagle Point v. PSC

Dane

18AP1835-CR State v. Smith

Dodge

18AP2142-CR State v. Heinrich

Eau Claire

18AP1368-CR State v. Johnson

Fond du Lac

18AP649-CR State v. Griffin

Forest

18AP2014 Wargaski v. NCI Group, Inc.

Kenosha

18AP1607-CR State v. Brantley

18AP2463-CR State v. Barler

19AP1098 V.A. v. M.W.P.

Milwaukee

16AP286-CR State v. Tally

18AP1292-CR State v. Brown

18AP1423-CR State v. Yang

18AP1544-W Gladney v. Foster

18AP2136-CR State v. Mason

19AP52 Scwefel v. Przytarski

19AP963 Thompson v. Foster

19AP1559-1561

State v. E.F.

Outagamie

18AP139-CR

State v. Campbell

19AP1726

Adoptions of Wisconsin, Inc. v. N.R.K.

Ozaukee

20AP123-W

Zignego v. Court of Appeals, Dist. IV

Price

19AP1457-W

Petrie v. Hepp

Racine

16AP1340-CR

State v. Gutierrez

18AP1669

State v. Rintamaki

18AP1970-CR

State v. Murry

Rock

18AP1225

Mawhinney v. Hallett

Sauk

18AP1759-CR

State v. Steinhorst

18AP2253

Sauk County v. R.A.S.

18AP2267-CR

State v. Lomax

Washburn

18AP1715

Link v. Link

Washington

18AP2035-CR

State v. Anderson

Waukesha

18AP1758

Mehotra v. Krecak