



Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts five new cases

Madison, Wis. (July 15, 2021) – The Wisconsin Supreme Court has voted to accept five 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 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](#).

2020AP298

State v. Green

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Dane County, Judge Valerie Bailey-Rihn, reversed and remanded

Long caption: State of Wisconsin Plaintiff-Respondent-Petitioner, v. Joseph G. Green, Defendant-Appellant

Issue presented: Did the circuit court have authority to order tolling of the 12-month statutory time limit for bringing an incompetent criminal defendant to trial competency?

2019AP1832-CR

State v. Yakich

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Waupaca County, Judge Vicki L. Clussman, affirmed.

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Christopher W. Yakich, Defendant-Appellant-Petitioner

Issue presented: When a defendant has been found guilty by reason of mental disease or defect in two separate cases and is subject to two separate commitment orders, does the circuit court have authority to run the terms of commitment consecutive to one another?

2020AP1271-AC Sewell v. Racine Unified School District Board of Canvassers

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Racine County, Judge Michael J. Piontek, affirmed

Long caption: James Sewell and George Meyers, Petitioners-Appellants-Petitioners, Dennis Montey, Petitioner-Appellant, v. Racine Unified School District Board of Canvassers, YES for Our Children , A Referendum Committee, Chelsea Powell and The Racine Unified School District, Respondents-Respondents

Issue presented: Under such circumstances, does Wis. Stat. § 7.54 vest in challenging parties the right to review in open court ballots they assert were miscounted such that an incorrect election outcome will be sustained unless the errors alleged by the challengers are corrected by the circuit?

2020AP29

State v. Whitaker

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Vernon County, Judge Darcy Jo Rood, affirmed

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Westley D. Whitaker, Defendant-Appellant-Petitioner

Issues presented:

1. Does it violate the First and Fourteenth Amendments and Article I Section 18 of the Wisconsin Constitution to consider a defendant's religious identity and impose a sentence intended to deter crime solely within his religious community?
2. If a sentencing court may consider a defendant's religious association to deter other members of a religious community does the "reliable nexus" test in State v. Fuerst and State v. J.E.B. require congruity between the offense and the activity protected by the First Amendment?
3. Does the sentencing factor/ objective of "protection of the public" include permitting the sentencing court to increase the sentence imposed on the defendant to send a message to an identified set of third parties that they should alter their behavior in the future, apart from generally being deterred from committing offenses like those committed by the defendant?

2020AP704

Doubek v. Kaul

Supreme Court case type: Certification

Court of Appeals: District II

Circuit Court: Brown County, Judge Kendell M. Kelley

Long caption: Daniel Doubek, Petitioner-Appellant, v. Joshua Kaul, Respondent-Respondent

Issue presented: Are Evans v. DOJ, 2014 WI App 31, 353 Wis. 2d 289, 844 N.W.2d 403, and Leonard v. State, 2015 WI App 57, 364 Wis. 2d 491, 868 N.W.2d 186, "good law" in light of the United States Supreme Court's decision in United States v. Castleman, 572 U.S. 157 (2014)?

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:

2018AP1800-CRNM State v. Fields (Justice Patience Drake Roggensack did not participate)

2018AP2245-CR State v. Holder
2018AP2246-CR

2019AP15-CR State v. Thao

2019AP300-CR State v. McQuay
2019AP301-CR
2019AP302-CR

2019AP812-CR State v. Peterson

2019AP1016-CR State v. Tatum (Rebecca Frank Dallet did not participate)

2019AP1472 State v. Powells

2019AP1693-CR State v. LaPointe

2019AP1950 Outagamie County DHS v. G.S.

2019AP2007 State v. Reboilar

2019AP2422 State v. Mathis

2020AP211 Karcher v. Wis. DHS

2020AP764-CR State v. Watts

2020AP785-CR State v. Grant

2020AP1102-CR State v. Etienne

2020AP2011 State v. Greenup

2021AP94 State v. A.M.-C.
2021AP95

2021AP270-W Juarez v. Schmaling (WHC)

2019AP1677-CR State v. Paine

2019AP1250-CR State v. Arriaga

2019AP1502-CRNM State v. Schlifer
2019AP2151-CR State v. Harrison
2019AP2332-CRLV State v. McClain
2020AP396-CR State v. Grant
2020AP1511 Winnebago v. A.A.L.
2021AP105-FT Waukesha County v. M.J.S. (BYP)
2021AP582-W Barton v. Gaskell (WQW)
2021AP766-W Hammersley v. Reilly (WPR)
2021AP480-OA Fabick v. Wis. Elections Comm'n (Chief Justice Annette Kingsland
Ziegler, Justice Patience Drake Roggensack, and Justice Rebecca Grassl
Bradley dissent)¹

¹ Order issued on June 25, 2021.