



# Supreme Court of Wisconsin

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## FOR IMMEDIATE RELEASE

## Wisconsin Supreme Court to hear cases in Montello

**Madison, Wis.** (Sept. 9, 2019) – The Wisconsin Supreme Court will hear oral argument in three cases in Montello at the Marquette County Courthouse on Oct. 14 as part of its *Justice on Wheels* outreach and education program. Marquette will be the 30<sup>th</sup> county outside Dane where the Court has held argument since starting the *Justice on Wheels* program in 1993.

*Justice on Wheels* gives people outside the Madison area, including students, teachers, and the general public, an opportunity to observe the Court at work, without having to travel to Madison. During oral argument, lawyers present the strong legal reasons for the Court to decide in their client's favor. Justices have an opportunity to respond or ask questions directly of the lawyers during carefully timed presentations.

Arguments are scheduled to begin at 9:45 a.m., 11 a.m., and 1:30 p.m. About 15 minutes before each argument, a local attorney will discuss with the audience the role of the courts in interpreting the law, the process used to decide a case, and some of the legal questions at issue. The Court accepts for review only cases that present novel legal questions of statewide importance.

Seating to observe an argument is free and open to the public. However, space is limited. Registration is recommended and may be made by calling the Supreme Court at (608) 266-1298 or e-mailing Anna Yarish, [anna.yarish@wicourts.gov](mailto:anna.yarish@wicourts.gov) by Oct. 1. Area high school teachers and students are highly encouraged to attend.

Prior to hearing the first case, the Court is scheduled to open its visit with a welcome ceremony attended by local judges, other officials and community leaders at 9 a.m.

Also as part of *Justice on Wheels*, the Supreme Court sponsors a creative contest designed to help local fifth graders learn about the Wisconsin and U.S. constitutions generally, and this year, about the 19<sup>th</sup> Amendment, which gave women the right to vote. For rules and information, contact Susan K. Gray, Judicial Assistant to Justice Annette Kingsland Ziegler at: [susan.gray@wicourts.gov](mailto:susan.gray@wicourts.gov)

Since 1993, the Wisconsin Supreme Court has held arguments in the following counties: Brown, Eau Claire, Marathon, Milwaukee, La Crosse, Douglas, Rock, Kenosha, Sauk, Dodge, Oneida, Outagamie, Portage, Racine, Fond du Lac, Walworth, Waushara, St. Croix, Winnebago, Iowa, Washington, Columbia, Green, Sheboygan, Waukesha, Grant, Bayfield, Jefferson, and Monroe.

Additional educational materials for teachers, students, and others interested in learning about the judicial branch of government can be found on the Wisconsin court system website at: [www.wicourts.gov/courts/resources/index.htm](http://www.wicourts.gov/courts/resources/index.htm)

Below is the tentative schedule of cases to be heard Oct. 14 at the Marquette County Courthouse, 77 West Park Street, Montello.

**9:45 a.m.**

18AP75-CR                    State v. Charles L. Neill, IV

**Supreme Court case type:** Petition for Review

**Court of Appeals:** District I

**Circuit Court:** Milwaukee, Judge Dennis R. Cimpl, affirmed

**Issue presented:** When Mr. Neill was convicted of third offense operating while intoxicated (OWI) and was subject to a doubling of the minimum fine under Wis. Stat. § 346.65(2)(f)2 for having a child in the vehicle and a quadrupling of the minimum fine under Wis. Stat. § 346.65(2)(g)3 for having a blood-alcohol concentration above .25 percent, did the statute require that the circuit court multiply Mr. Neill's minimum fine by a factor of eight?

**11:00 a.m.**

18AP651-CR                    State v. Kelly James Kloss

**Supreme Court case type:** Petition for Review

**Court of Appeals:** District III

**Circuit Court:** St. Croix, Judge Eugene D. Harrington, affirmed in part; reversed in part and cause remanded with directions

**Issues presented:**

- Is Solicitation of First-Degree Reckless Injury a crime under Wisconsin law?
- Is it possible to solicit a crime without also soliciting a crime that would be a lesser-included offense of a completed act when solicitation does not require a completed act, but requires only that the solicitor intend that a particular felony be committed?
- Was the evidence sufficient to show the defendant "unequivocally" intended that a "felony be committed" when the solicited conduct required the element of surprise and defendant knowingly forewarned the alleged victims?

**1:30 p.m.**

18AP712-FT                    Joan C. Pulkkila v. James M. Pulkkila

**Supreme Court case type:** Petition for Review

**Court of Appeals:** District II

**Circuit Court:** Waukesha, Judge Paul Bugenhagen Jr., reversed and cause remanded

**Issues presented:**

- Does a marital settlement agreement expressly providing a remedy that "shall" apply if either party fails to maintain life insurance provide an exclusive remedy such that a constructive trust is unavailable by operation of law?
- Did the court of appeals violate Petitioner's right to due process under the federal and state constitutions for the appellate court to impose a constructive trust as a matter of law, without remand, before any court heard evidence related to the elements of constructive trust or adjudicated Petitioner's objection to Joan Pulkkila's legal standing to move for a constructive trust in the divorce proceeding?