



# Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Hon. Randy R. Koschnick  
Director of State Courts

16 East State Capitol  
Telephone 608-266-6828  
Fax 608-267-0980

Tom Sheehan  
Court Information Officer

**CONTACT:**

Tom Sheehan  
Court Information Officer  
(608) 261-6640

**FOR IMMEDIATE RELEASE**

## Wisconsin Supreme Court accepts one new case

**Madison, Wis.** (Nov. 19, 2018) – The Wisconsin Supreme Court has voted to accept one new case, and the Court acted to deny review in a number of other cases. The case numbers, issues presented and counties of origin are listed below. A more detailed synopsis of the granted case 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 cases pending in the Supreme Court can be found [here](#).

2017AP1206-CR

State v. Emmanuel Earl Trammell

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

**Court of Appeals:** District 1

**Circuit Court:** Milwaukee County, Judge Jeffrey A. Wagner, affirmed

**Long caption:** State of Wisconsin, Plaintiff-Respondent, v. Emmanuel Earl Trammell, Defendant-Appellant

**Issues presented:**

1. Is this court's holding in its [*State v. Avila*, 192 Wis. 2d 870, 535 N.W.2d 440 (1995)] decision – that it is “not reasonably likely” that the standard JI-140CR reduces the State's burden of proof – good law; or should it be overruled by this court on the ground that it stands rebutted by empirical evidence?
2. Whether Wis. Stat. § 805.13(3) bars defendants from raising, post-trial, objections to jury instructions not raised during an instruction conference, if the objections were not known, and could not have been known or discovered, by the time of the conference.

**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:

**Adams**

2017AP1008 Hicks v. Estate of Violet M. Hicks

**Brown**

2017AP833-CR State v. Delvoye

**Calumet**

2018AP1816-OA Ribble Revocable Living Trust v. City of Menasha

**Clark**

2015AP1339-CR State v. Malm  
*Justice Rebecca Grassl Bradley and Justice Rebecca Frank Dallet dissent.*

**Dane**

2016AP874-CR State v. McGriff

2017AP621-CR State v. Thomas

**Dodge**

2017AP2029-CR State v. Rogers

**Door**

2017AP2146-CR State v. Kupsky

**Eau Claire**

2016AP2359 Wallace v. Woodford  
*Chief Justice Patience Drake Roggensack dissents.*

**Grant**

2016AP332-CR State v. Johnson

**Kenosha**

2016AP733 State v. Burns

2017AP276-CR State v. Flint

**Lincoln**

2016AP2243-CR State v. Baumann

**Marathon**

2017AP211-CR State v. Morgan

**Marquette**

2016AP408-CR State v. Below

**Milwaukee**

2014AP2050 Johnson Controls, Inc. v. Central National Insurance Co. of Omaha

2015AP2535-CR	<u>State v. Freiboth</u> <i>Justice Ann Walsh Bradley did not participate.</i>
2016AP57-CRNM	<u>State v. Bean</u>
2016AP650-CRNM	<u>State v. Smith</u>
2016AP2232	<u>State v. McGee</u>
2016AP2398-CR	<u>State v. Bailey</u>
2016AP2489-CR	<u>State v. Harris</u>
2017AP79	<u>State v. Winston</u>
2017AP313	<u>Niemi v. Hying</u>
2017AP971-72-CR	<u>State v. Love</u> <i>Justice Rebecca Frank Dallet did not participate.</i>
2017AP988-CR	<u>State v. Howard</u>
2017AP1021-CR	<u>State v. Wade</u>
2017AP1120-CR	<u>State v. Moore</u> <i>Chief Justice Patience Drake Roggensack did not participate.</i>
2017AP1421	<u>State v. Tucker</u>
2017AP1453-CR	<u>State v. Adams</u>
2017AP1510-CR	<u>State v. Ayala</u>
2017AP1692-CR	<u>State v. Cooks</u>
2017AP1749-CR	<u>State v. Salazar</u> <i>Chief Justice Patience Drake Roggensack did not participate.</i>
2017AP1968-CR	<u>State v. Byrd</u>
2017AP2045-CR	<u>State v. Loggins</u>
2017AP2136-CR	<u>State v. Smith</u>
2018AP1245, 1252-53-W	<u>Smith v. Foster</u>
<b><u>Oconto</u></b>	
2017AP2031-CR	<u>State v. Tappa</u>

2017AP2527-FT	<u>Tissue Technology, LLC v. ST Paper, LLC</u>
<b><u>Outagamie</u></b>	
2016AP1642	<u>State v. Adamski</u>
2017AP119-CR	<u>State v. Jones</u>
2017AP1848	<u>Zastrow v. American Transmission Company LLC</u>
<b><u>Portage</u></b>	
2016AP2376-CRNM	<u>State v. Feck</u>
<b><u>Racine</u></b>	
2016AP1175	<u>State v. Famous</u>
2017AP1204-05-CR	<u>State v. Johnson</u>
<b><u>Rock</u></b>	
2016AP2087-CR	<u>State v. Mance</u>
2017AP995	<u>Bottomley v. Seaverson</u>
<b><u>Sheboygan</u></b>	
2017AP2413	<u>Sheboygan County DHHS v. K.N.L.</u>
<b><u>Trempealeau</u></b>	
2017AP2176-CR	<u>Halderson v. Northern States Power Co.</u>
2017AP2522	<u>Humfeld v. State Farm Fire and Casualty Company</u>
<b><u>Waukesha</u></b>	
2017AP971-72-CR	<u>Healthcare Services Group v. DOR</u>
2017AP1729-CR	<u>State v. Witz</u>
2017AP1843	<u>Waukesha County v. M.J.S.</u>
<b><u>Wood</u></b>	
2017AP1392-CR	<u>State v. Mackie</u>