

No. 97-2392-CR

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT I

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

MILTON L. WRIGHT,

DEFENDANT-APPELLANT.

ERRATA SHEET

Marilyn L. Graves
Clerk of Court of Appeals
P.O. Box 1688
Madison, WI 53701-1688

Court of Appeals District I
633 W. Wisconsin Ave., #1400
Milwaukee, WI 53203-1918

Court of Appeals District III
740 Third Street
Wausau, WI 54403-5784

Jennifer Krapf
Administrative Assistant
119 Martin Luther King Blvd.
Madison, WI 53703

Peg Carlson
Chief Staff Attorney
119 Martin Luther King Blvd.
Madison, WI 53703

Court of Appeals District II
2727 N. Grandview Blvd.
Waukesha, WI 53188-1672

Court of Appeals District IV
119 Martin Luther King Blvd.
Madison, WI 53703

Carole R. Manchester
Assistant District Attorney
821 W. State Street
Milwaukee, WI 53233-1487

Richard D. Martin
Assistant State Public Defender
735 N. Water Street, #912
Milwaukee, WI 53202

Jon W. Sanfilippo
124 Safety Bldg.
821 W. State Street
Milwaukee, WI 53233
Hon. Clare L. Fiorenza

502 Courthouse
901 N. 9th Street
Milwaukee, WI 53233-1425
(L.C. #2-405257)

PLEASE TAKE NOTICE that the attached page 5 is to be substituted for page 5 in the above-captioned opinion which was released on April 14, 1998.

Dated this 28th day of April, 1998.

N.W.2d 156, 159 (Ct. App. 1993) (The appeals court will look for reasons to uphold discretionary determinations). The trial court stated that, “[litigants] can have no contact with the jurors,” and that the rules had been “breached.” This court concludes from these statements that the trial court applied the proper legal standards in administering to this case. Although it would have been preferable to allow argument and perhaps voir dire the entire jury, it was not unreasonable for the trial court to conclude that, with the entire jury infected, the panel would be incapable of rendering a fair and impartial verdict.

Based on the record, this court concludes that the declaration of mistrial was proper in this case. Additionally, Wright’s subsequent retrial and conviction did not violate his constitutional rights because (1) there was a manifest necessity for the declaration of mistrial, and, alternatively, (2) Wright provided the impetus for the trial court’s declaration of mistrial, thus waiving any double jeopardy claim. Finally, this court infers from the record that the trial court applied the proper analysis in exercising its discretion.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)4, STATS.