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Wisconsin Supreme Court accepts four cases at October 7 conference

Madison, Wisconsin (October 18, 2024) – The Wisconsin Supreme Court recently voted to accept four 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](#).

No. 2022AP959-CR

State v. Ramirez

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Columbia County, Judge W. Andrew Voight. *Reversed and remanded with directions.*

Long caption: State of Wisconsin, Plaintiff-Respondent-Petitioner, v. Luis A. Ramirez, Defendant-Appellant.

Issue(s) presented:

1. Did the court of appeals create a new requirement departing from Barker¹ and other precedent?
 - a. How should a reviewing court weigh a defendant's pro se requests, particularly where counsel never renews them and counsel never objects to adjournments?

¹ Barker v. Wingo, 407 U.S. 514 (1972).

- b. How should a reviewing court treat a circuit court's findings that a defendant did not want a speedy trial when those findings are based in part on credibility determinations?
 2. Did the court of appeals correctly hold that the State showed a "cavalier disregard" for Ramirez's constitutional speedy trial rights where the State offered explanations for every adjournment, the court and parties were actively preparing for trial, Ramirez never made a speedy trial demand through counsel, he was in prison on another conviction while the case was pending, and the circuit court determined that Ramirez never wanted a speedy trial and was not prejudiced?
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No. 2023AP255

Hubbard v. Neuman, M.D.

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Rock County, Judge Derrick A. Grubb. *Affirmed.*

Long caption: Melissa A. Hubbard, Plaintiff-Respondent, v. Carol J. Neuman, M.D., Defendant-Appellant-Petitioner.

Issue(s) presented:

- Does a treating physician who refers a patient to another physician have a duty under Wis. Stat. § 448.30 to inform the patient about her conversations with that other physician, including her thoughts and alleged recommendations to the other physician, where the referring physician does not provide the treatment out of which the claim arises?
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No. 2023AP645-CR

State v. McAdory

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Rock County, Judge Karl Hanson. *Affirmed.*

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Carl Lee McAdory, Defendant-Appellant-Petitioner.

Issue(s) presented:

1. Does Wis. Stat. § 346.63(1)(c) grant circuit courts the post-remittitur authority to reopen judgments of conviction, vacate post-jeopardy orders dismissing § 346.63(1) counts at the State's request, and reinstate and convict defendants on those counts?
2. When a defendant appeals from a judgment of conviction, seeking to have his conviction on a count reversed, the State becomes a respondent on appeal. If, in the event the defendant's appeal succeeded, the State wished to have an order dismissing a different count vacated and further wished to have the judgment of conviction reopened and modified to have the defendant convicted on the previously-dismissed count, must the State have filed a notice of cross appeal under Wis. Stat. Rule 809.10(2)(b)? Alternatively, must the State have raised this request as an alternate ground for relief in its briefing on the defendant's appeal, as provided in State v. Alles, 106 Wis. 2d 368, 390-91, 316 N.W.2d 378 (1982)?
3. Can a circuit court reinstate a count on which the defendant was found guilty but which the State moved to have dismissed after jeopardy attached, consistent with the defendant's protections against double jeopardy and his interest in the finality of judgments?

No. 2023AP2020-OA

Evers v. Marklein

Supreme Court case type: Petition for Original Action

Prior Supreme Court decision: 2024 WI 31 (July 5, 2024)²

Long caption: Tony Evers Governor of Wisconsin, Department of Natural Resources, Board of Regents of the University of Wisconsin System, Department of Safety and Professional Services and Marriage and Family Therapy Board Professional Counseling and Social Work Examining Board, Petitioners, v. Senator Howard Marklein, Representative Mark Born in their official capacities as chairs of the joint committee on finance, Senator Chris Kapenga, Representative Robin Vos in their official capacities as chairs of the joint committee on

² The court's July 5, 2024 decision addressed only Issue 1 from Petitioners' petition for original action. The court's October 9, 2024 order granted Petitioners' motion to withdraw Issue 2 from their petition. That order granted review of the Petitioners' third issue for review.

employment relations, Senator Steve Nass and Representative Adam Neylon in their official capacities as co-chairs of the joint committee for review of administrative rules, Respondents, Wisconsin Legislature, Intervenor-Respondent.

Issue(s) presented (Issue 3):

- Under various provisions of Wis. Stat. ch. 101, [the Department of Safety and Professional Services (DSPS)] is charged with promulgating rules relating to commercial building safety, accessibility, and energy efficiency. Under Wis. Stat. § 457.03(2), the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board is responsible for developing ethics standards for social workers, marriage and family therapists, and professional counselors. Courts have broadly recognized that blocking executive branch agencies' rules violates bicameralism and presentment procedures and infringes on executive and judicial authority. Wisconsin Stat. §§ 227.19(5)(c), (d), (dm), and 227.26(2)(d) and (im) authorize the Joint Committee for Review of Administrative Rules, a 10-member legislative committee, to veto administrative rules. Do these veto provisions violate the separation of powers by allowing this committee to block executive agency rulemaking or, at minimum, DSPS's and the Board's rulemaking authority over commercial building standards and ethics standards for social workers, marriage and family therapists, and professional counselors?
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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:

Bayfield County

2022AP697-CR State v. Peterson

Dane County

2024AP1346-W Schwrock v. Circuit Court for Dane County

2024AP1419-OA Schiller v. Circuit Court for Dane County
[Petition for Original Action]

Green Lake County

2022AP1365-CR State v. Emig

Jefferson County

2023AP167-CR State v. Nelson

Kenosha County

2023AP1391-CR State v. Tapia

2023AP1392 State v. Weiss
2023AP1939-CR

La Crosse County

2022AP952-CR State v. Kendhammer
[Justice Dallet dissents]

Marathon County

2023AP1311-CR State v. Nubian-Yl

2024AP1027-W Carter v. Circuit Court for Marathon County

Milwaukee County

2021AP954-CR Stingley v. Dorgay

2022AP796-CR State v. Wilson

2022AP1698-CR State v. Conley
[Justice Protasiewicz did not participate]

2022AP1906-CR State v. Barbian

2022AP1929-CR State v. Rosalez

2023AP415 State v. McGinnis

2024AP859 State v. T.L.
2024AP863

2024AP1387-W Stechauner v. Cromwell
[Writ of Habeas Corpus]

Monroe County

2022AP951-CRNM State v. Hamilton

Ozaukee County

2023AP186 State v. Stibbe
2023AP187s

Racine County

2023AP111 -CR State v. Loga-Negru

2023AP1443 Huiras v. Norris

2024AP1415-W Dressler v. Circuit Court for Racine County
[Petition for Supervisory Writ]

Rock County

2024AP1467-W Evans v. Fell
[Writ of Habeas Corpus]

2024AP1651-W Dumas v. Fell
[Writ of Habeas Corpus]

Shawano County

2024AP1454-W Harris v. Lenzner
[Writ of Habeas Corpus]

Sheboygan County

2022AP1320-CR State v. Thompson

2022AP1909 Wisconsin Dept. of Revenue v. Master's Gallery
Foods, Inc.
[Justice Rebecca Bradley dissents]

2023AP697-CR State v. Shaw

2023AP932 State v. Beecher
2023AP933-CR

2023AP2395-FT Vincent v. Village of Howards Grove
[Justice Rebecca Bradley dissents]

Walworth County

2022AP2126 State v. Miller
2022AP2127-CR

2024AP127 Bushey v. Johnson

2024AP1398-W

Kinnaman v. Walworth County Sheriff's Office
[Writ of Mandamus]

Washington County

2023AP1813

City of Hartford v. White

2023AP1814

Waukesha County

2022AP1225-CR

State v. Eskridge
[Justice Rebecca Bradley dissents]

2023AP11

Par, Inc. v. McCahey

2023AP560

Tiller v. Kestly

2023AP1648

2023AP1318-CR

State v. Quezaire

Waushara County

2023AP646

Raveendran v. Airola