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**DISTRICT III**

May 27, 2026

To:

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You are hereby notified that the Court has entered the following opinion and order:

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2024AP1569-CR      State of Wisconsin v. Timothy Scott Headrick, Jr.  
(L. C. No. 2017CF1813)

Before Stark, P.J., Hruz, and Gill, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Timothy Headrick, Jr., appeals from a judgment convicting him of three sexually based felonies and from an order denying his motion for postconviction relief. Headrick contends that he was entitled to a mistrial based upon an improper question the prosecutor asked him at trial. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24). We affirm on the ground that the circuit court reasonably determined that a curative instruction was sufficient to remedy any error.

Based upon allegations made by Headrick’s 5-year-old victim, the State charged Headrick with first-degree sexual assault—sexual contact with a person under the age of 13, incest, and child enticement. The child testified at trial. The State also played for the jury the video of a previously recorded forensic interview with the child and presented the testimony from a nurse practitioner who examined the child and made some observations consistent with sexual assault.

After the State rested, Headrick testified in his own defense. During the State’s cross-examination, after Headrick testified that the police did not want to talk to him because he would not talk to the police without his attorney present, the prosecutor asked Headrick: “Well, you don’t like [the] police, right?” Before Headrick answered that question, the circuit court sustained a defense objection. Headrick then moved for a mistrial. The court denied a mistrial but provided a curative instruction to the jury, directing it to disregard the question about whether Headrick liked the police and to not draw any inferences from it.

The jury returned guilty verdicts on all three counts. The circuit court subsequently denied Headrick’s postconviction motion seeking a new trial on the same grounds, and Headrick appeals.

The decision whether to grant a mistrial lies within the discretion of the circuit court. *State v. Debrow*, 2023 WI 54, ¶15, 408 Wis. 2d 178, 992 N.W.2d 114. The court must determine whether the claimed error is “sufficiently prejudicial to warrant a mistrial” given the totality of the circumstances, including the strength of the State’s case. *Id.* (citation omitted). We will uphold the court’s decision so long as the court rationally discussed and applied the correct standard of law to the facts of record. *Id.*

Headrick asserts that the prosecutor’s question would lead jurors to assume that Headrick “had some other type of negative encounter with police outside of this case.” Headrick argues that

any such negative inference would be particularly prejudicial in this case because Headrick's credibility as a witness was crucial to his defense.

In its decision denying Headrick's postconviction motion, the circuit court reasoned that the prosecutor's question was not sufficiently prejudicial to warrant a mistrial because: (1) there could be reasons other than prior law enforcement contacts to explain why someone would be uncomfortable with the police; (2) the court directed the jury to disregard the question and, in the court's experience, jurors follow instructions; and (3) having observed the child's "powerful" forensic interview—which was supported by medical evidence and the testimony of another child who heard the victim screaming from Headrick's bedroom—the court was not persuaded that the jury would have returned a different verdict if it had not heard the question.

We conclude that the circuit court rationally applied the correct standard of law to the facts of record in denying the motion for mistrial and Headrick's reconsideration motion. In particular, case law supports the proposition that a curative instruction may be presumed to have erased any possible prejudice from an improper question, absent evidence that the jury disregarded the court's admonition. *State v. Sigarroat*, 2004 WI App 16, ¶24, 269 Wis. 2d 234, 674 N.W.2d 894 (2003). That notion is especially true where, as here, the question was not even answered. *Id.* Headrick does not point to anything in the record to show that the jury disregarded the court's curative instruction, and we will not substitute our judgment for that of the circuit court regarding the strength of the State's case.

Upon the foregoing,

IT IS ORDERED that the judgment and postconviction order are summarily affirmed.  
WIS. STAT. RULE 809.21 (2023-24).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*