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**DISTRICT I**

March 18, 2026

To:

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Circuit Court Judge  
Electronic Notice

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Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Jeffrey W. Jensen  
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You are hereby notified that the Court has entered the following opinion and order:

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2024AP1599-CR

State of Wisconsin v. James Emanuel Nash (L.C. # 2020CF806)

Before White, C.J., Donald, and Geenen, 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).**

James Emanuel Nash appeals the judgment convicting him of being an adjudicated delinquent in possession of a firearm. He argues that the State's action in issuing him a concealed carry (CCW) license was an affirmative assertion that he was not a prohibited person under WIS. STAT. § 941.29 (2023-24).<sup>1</sup> Nash claims his prosecution violated his right to due process. We disagree and affirm. Based upon our review of the briefs and record, we conclude

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<sup>1</sup> Nash committed the crime in this case while the 2019-20 version of the Wisconsin Statutes was in effect, but the relevant portions of the statutes are unchanged in the current version. Therefore, for ease of reading, all references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted

at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21.

## I. BACKGROUND

In 2018, Nash applied for, and was granted, a CCW license. On the application, Nash inaccurately asserted that he had never been adjudicated delinquent for an offense that would be a felony if committed by an adult. However, Nash had been adjudicated delinquent in 1999, as a teenager, after he operated a vehicle without the owner's consent and fled. The State licensing agency did not catch the misstatement on the application and Nash was issued a CCW license.

In 2020, during the execution of a search warrant of his apartment but related to Nash's roommate, police found Nash in possession of a firearm. Nash argued that the issuance of the CCW license insulated him from any charge of being a prohibited person in possession of a firearm. He was, however, charged, tried, and convicted. Nash now appeals.

## II. DISCUSSION

Nash was convicted of being an adjudicated delinquent in possession of a firearm, a violation of WIS. STAT. § 941.29(1m)(bm). The statute provides: "A person who possesses a firearm is guilty of a Class G felony if ... [t]he person has been adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony." *Id.* Nash's due process argument on appeal is that it violates traditional notions of fair play for the State to affirmatively lead him to believe that he is not a prohibited person under

§ 941.29 by issuing him a CCW license and then to prosecute him when, in reasonable reliance on the State's action, he possessed a firearm.<sup>2</sup> As explained below, Nash's argument fails.

Nash frames his prosecution as a due process violation but fails to develop a due process argument supporting his position. His opening brief cites only three cases. Two of the cases, *State v. Greenwold*, 189 Wis. 2d 59, 66-67, 525 N.W.2d 294 (Ct. App. 1994), and *State v. Wayerski*, 2019 WI 11, ¶35, 385 Wis. 2d 344, 922 N.W.2d 468, are cited for the de novo standard of review applicable to due process claims. The third case, *State v. Dodson*, 2022 WI 5, 400 Wis. 2d 313, 969 N.W.2d 225, is inapposite.

First, *Dodson* concerned whether the circuit court relied on an improper sentencing factor in mentioning a defendant's status as a CCW license holder during sentencing for a shooting. *Id.*, ¶1. This is not the issue before us. Second, Nash relies on a block quote from *Dodson*, without identifying that it was from the dissenting opinion. *Id.*, ¶65 (R. G. Bradley, J., dissenting). The block quote purportedly establishes that the State cannot "criminally punish Nash for that which the law unambiguously told him he could do: possess a concealed firearm." Nash provides this court with no controlling authority to support his position, rendering his argument undeveloped. See *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (discussing the requirements for developed legal argument). In any event, the State does not seek to punish Nash for possessing a concealed weapon; it seeks to punish him for being a

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<sup>2</sup> When the State receives an application for a CCW license, it is required to conduct a criminal history record check for the applicant. WIS. STAT. § 175.60(9g)(a)2. The statute additionally provides: "The department shall issue a license under this section to an individual who submits an application under sub. (7) unless any of the following applies ... (c) The individual is prohibited from possessing a firearm under [WIS. STAT. §] 941.29." § 175.60(3)(c).

prohibited person in possession of a firearm, something he is plainly not permitted to do by statute.

In his reply brief Nash acknowledges: “While it is true that Nash is unable to cite a case that is ‘on all fours’ with the specific facts in this case; there is nevertheless an abundance of case law to establish that, if nothing else, the root of due process is the traditional notion of ‘fair play.’” He proceeds to cite cases referencing fair play in the context of vagueness in criminal statutes, *see Johnson v. United States*, 576 U.S. 591, 595 (2015), and in the context of the minimum contacts required to confer federal jurisdiction, *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). We decline the invitation to extrapolate from the aforementioned cases to make the leap that Nash seeks.

Nash contends that the issuance of a CCW license was tantamount to the State telling him he was not a prohibited person. Even setting aside the fact that the license was issued based on inaccurate information Nash provided in his license application, this argument still fails. Nash bases his argument on the requirement in WIS. STAT. § 175.60(3)(c) that a CCW license must be issued unless the applicant “is prohibited from possessing a firearm under [WIS. STAT. §] 941.29.” Simply because a CCW license must be issued if the person is not a prohibited person does not mean, as Nash claims, that “the issuance of a CCW license by the [S]tate is an affirmative assertion by the [S]tate that the holder of the license is not a prohibited person under § 941.29[.]” The issuance of a CCW license means only that the investigation into the application revealed no basis to withhold the license, not that no such basis exists. *See* § 175.60(3), (9g). This distinction is particularly relevant where, as here, the application contained an inaccurate statement.

Nash asserts that a misrepresentation standing alone does not automatically render a CCW license invalid. He points out that WIS. STAT. § 946.71, which prohibits the unlawful use of a CCW license, does not make it unlawful to use a license that was issued based upon inaccurate information in the application where the State has not taken any action to suspend or revoke the license. He asserts that there is no evidence in the record that the State ever took any action to revoke the license. Perhaps that is because such evidence is irrelevant. Nash was not convicted of violating § 946.71; he was convicted of violating WIS. STAT. § 941.29.

Whether the State can prosecute a person for carrying a concealed weapon when that person holds a CCW permit obtained by providing false information on the application is *not* the question before this court. The question before us is whether the CCW license issued to Nash precludes the State from prosecuting him for being a prohibited person in possession of a firearm. We conclude that it does not.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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*