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**DISTRICT I**

June 27, 2019

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

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2017AP2534

State of Wisconsin v. Aleksey V. Mazur (L.C. # 1998CF3688)

Before Brash, P.J., Kessler and Dugan, 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).**

Aleksey V. Mazur appeals a circuit court order denying his motion to expunge or seal the electronic record of dismissed criminal charges that is displayed on the Wisconsin Circuit Court Access website. He also appeals the order denying reconsideration. Based upon our review of the briefs and record, we conclude at conference that this matter is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18). We conclude that the matter is moot, and we dismiss the appeal.

On July 16, 1998, the State charged Mazur with three crimes. The matters were dismissed eleven days later following the preliminary examination.

In November 2017, Mazur moved the circuit court to expunge or seal the online record of his criminal charges that is available to the public through the Wisconsin Circuit Court Access Program (CCAP).<sup>1</sup> In support, he alleged that the CCAP record of the dismissed criminal charges has a detrimental impact on his business and wrongly leads the public to believe that he has a criminal record. He offered several legal theories that, in his view, permitted the circuit court to take the steps he proposed. The circuit court concluded that it lacked the authority to grant the relief requested. The circuit court, therefore, denied the motion by order entered on November 30, 2017, and denied reconsideration by order entered on December 5, 2017.

In 2018, several months after the circuit court entered its orders in this case, the Director of State Courts, acting on recommendations by the Wisconsin Circuit Court Access Oversight Committee, implemented a policy providing that criminal cases will be removed from online display after two years if the cases were dismissed or the defendant was acquitted. *See* WISCONSIN COURT SYSTEM, <https://wcca.wicourts.gov/faq>, §§ 1c., 3a. (last visited June 26, 2019). The policy is now in effect. *See id.* The dismissed charges underlying this appeal are therefore eligible for removal from online display and will no longer be displayed after this

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<sup>1</sup> The Wisconsin Circuit Court Access Program (CCAP) “is a case management system provided by Wisconsin Circuit Court Access program (WCCA).” *See State v. Bonds*, 2006 WI 83, ¶6, 292 Wis. 2d 344, 717 N.W.2d 133. The WCCA website is the means through which the public has online access to CCAP reports. *See id.*

appeal is terminated and the record is remitted to the circuit court. *See id.*, § 3a. (explaining that “cases remain displayed so long as there are ... active appeals”).

“An issue is moot when its resolution will have no practical effect on the underlying controversy.” *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425. We are satisfied that the instant appeal is moot. Mazur seeks relief that will prevent the online display of dismissed charges against him. Under Wisconsin court policy currently in effect, he will receive that relief when this appeal is over, regardless of how we might decide the legal arguments he presents.

In the interest of judicial economy, this court normally will not consider moot issues. *See State v. Leitner*, 2002 WI 77, ¶13, 253 Wis. 2d 449, 646 N.W.2d 341. Instead, the general rule in Wisconsin is to dismiss moot cases without a discussion of their merits. *See id.* We apply that rule here.

Upon the foregoing reasons,

IT IS ORDERED that this appeal is dismissed as moot.

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*