



Supreme Court of Wisconsin

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Wisconsin Supreme Court accepts two cases

Madison, Wisconsin (Feb. 26, 2024) – The Wisconsin Supreme Court recently voted to accept two 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](#).

2023AP2020-OA

Governor Evers v. Senator Marklein

[Justice Rebecca Grassl Bradley dissents, joined by Chief Justice Annette Kingsland Ziegler; Justice Brian Hagedorn dissents, joined by Chief Justice Annette Kingsland Ziegler]

Supreme Court case type: Original Action

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, Professional Counseling, and Social Work Examining Board, Petitioners v. Senator Howard Marklein, and Representative Mark Born, in their official capacities as chairs of the Joint Committee on Finance; Senator Chris Kapenga and Representative Robin Vos, in their official capacities as chairs of the Joint Committee on Employment Relations; and 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 granted:

Wisconsin Stat. § 23.0917 charges [the Department of Natural Resources (DNR)] with administering the Knowles-Nelson Stewardship Program, through which DNR awards already-appropriated funds to expand public access to the State's natural resources. Courts have universally recognized that spending appropriated funds is an executive power and that legislative committees cannot block the executive's exercise of that power. Wisconsin Stat. § 23.0917(6m) and (8)(g)3. authorize the Joint Committee on Finance, a 16-member legislative committee, to veto DNR's choices. Do those veto provisions facially violate the separation of powers?

Supreme Court case type: Petition for Review

Court of Appeals: District I

Circuit Court: La Crosse County, Judge Todd W. Bjerke, *reversed and cause remanded with directions.*

Long caption:

William Becker, Petitioner-Respondent-Petitioner v. Wisconsin Department of Revenue, Respondent-Appellant.

Issue(s) presented:

Are semitrailers "truck bodies" within the meaning of Wis. Stat. § 77.54(5)(a)4. if designed to be pulled by trucks rather than truck tractors?

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:

Brown County

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| 2021AP1845-CR 2021AP1846-CR | <u>State v. Pristelski</u> |
| 2022AP409-CR | <u>State v. Stowe</u> |
| 2022AP1120 | <u>J&J Enterprises of De Pere, LLP v. Cincinnati Insurance Company</u> |

Dane County

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| 2021AP1289 | <u>Li v. Haus</u> |
| 2022AP345-CR | <u>State v. Abeyta</u> |
| 2022AP812-CR | <u>State v. Foote</u> |
| 2022AP1751 | <u>Pozner v. Fetzer</u> |

Dodge County

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| 2023AP152-W 2023AP153-W 2023AP194-W 2023AP195-W | <u>Walker v. Circuit Court for Dodge County</u> |
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Dunn County

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| 2021AP1581-CR | <u>State v. Seehaver</u> |
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Fond du Lac County

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| 2023AP1154-LV | <u>Conant v. Mathos-Noe</u> [Justice Janet C. Protasiewicz did not participate] |
| 2023AP1226 | <u>Noe v. Mathos-Noe</u> [Justice Janet C. Protasiewicz did not participate] |

Forest County

2021AP2020-CR State v. Bear

Grant County

2022AP2012-CR State v. Straight

Jefferson County

2023AP1404 Jefferson County DHS v. C.T.S.

Kenosha County

2022AP1625-CRNM State v. Delgado-Cintron

Marathon County

2023AP1678-W Mitchell v. Eplett [Writ of Habeas Corpus]

Marinette County

2022AP1395 Marinette County v. A.M.N.

Milwaukee County

2020AP1554 Fisher v. Sulieman

2021AP183-CR State v. Banister

2021AP1591 Braketown USA, Inc. v. Markel Ins. Co. [Justice
Rebecca Grassl Bradley dissents]

2021AP1657 State v. Starks

2021AP2166-CR State v. McKay

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| 2022AP103-CR | <u>State v. Stewart</u> |
| 2022AP395 | <u>State v. James</u> [Justice Rebecca Frank Dallet did not participate] |
| 2022AP476-CR | <u>State v. Dancel</u> |
| 2022AP653-CR | <u>State v. Woodland</u> |
| 2022AP953 | <u>State v. Leiser</u> |
| 2022AP1202-CR 2022AP1203-CR 2022AP1204-CR | <u>State v. Singh</u> |
| 2022AP2052-CR | <u>State v. Carr</u> |
| 2022AP788 | <u>State v. Engine & Transmission World, LLC</u> [Justices Rebecca Grassl Bradley and Rebecca Frank Dallet dissent] |
| 2023AP139-CR | <u>State v. Velez</u> |
| 2023AP1510 | <u>State v. M.E.E.</u> |
| 2023AP1613-W | <u>Viveros v. Gierach</u> [Writ of Habeas Corpus] |
| 2023AP1929-W | <u>Johnson v. Cromwell</u> [Writ of Habeas Corpus] |
| 2023AP1950 | <u>State v. H.C.</u> [Petition for Bypass] |

Monroe County

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| 2022AP516-CR | <u>State v. Smith</u> |
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Oconto County

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| 2022AP729 | <u>Oconto Falls Tissue, Inc. v. ST Paper, LLC</u> |
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Outagamie County

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| 2021AP1978-CR | <u>State v. Lor</u> |
| 2023AP604 | <u>Schuh v. [Party Sealed]</u> |

Portage County

2023AP86-CR State v. Gollon

Price County

2023AP18-FT Price County v. C.W.

Racine County

2022AP337 State v. Brim

Rock County

2023AP1081 D.T.S. v. B.E.C.

St. Croix County

2021AP1563 ABase Storage LLC v. Michaud

2022AP110 State v. Shaughnessy

Taylor County

2021AP2076 Noziska v. Zimmerman

Walworth County

2022AP359 Kusko v. Muzaffar [Justices Rebecca Grassl
Bradley and Brian Hagedorn dissent]

Waukesha County

2021AP2001-CR State v. Brott

2022AP1041 Thompson v. Frede

2023AP838 State v. Williams

Winnebago County

2021AP892-CR

State v. Fleming

2021AP2131

Mueller v. Maslowski

2022AP2195-CR

State v. Hietpas

2023AP200

Winnebago County v. J.L.C.