



# Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

## Wisconsin Supreme Court accepts two new cases

**Madison, Wisconsin** (April 6, 2023) – The Wisconsin Supreme Court recently voted to accept two new 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](#).

2021AP1399-CR

State v. Seaton

**Supreme Court case type:** Certification

**Court of Appeals:** District II

**Circuit Court:** Waukesha County, Judge Jennifer R. Dorow

**Long caption:** State of Wisconsin, Plaintiff-Appellant, Morris v. Seaton, Defendant-Respondent

**Issue presented:**

In light of the 2014 amendment of Wis. Stat. § 904.04(2)(b) (2019-20), codifying and expanding the “greater latitude” rule and the Wisconsin Supreme Court’s decision in State v. Dorsey, 2018 WI 10, ¶¶23-25, 379 Wis. 2d 386, 906 N.W.2d 158, interpreting and applying that amendment, are State v. Alsteen, 108 Wis. 2d 723, 324 N.W.2d 426 (1982), and State v. Cofield, 2000 WI App 196, 238 Wis. 2d 467, 618 N.W.2d 214, still controlling law as they relate to the admissibility of prior nonconsensual sexual wrongs in cases involving an adult victim of an alleged sexual assault where consent is the primary issue?

2022AP1999-W

Davis v. Circuit Court for Dane County

**Supreme Court case type:** Petition for Review

**Court of Appeals:** District IV

**Circuit Court:** Dane County, Judge Ellen K. Berz, petition for supervisory writ denied

**Long caption:** State of Wisconsin ex rel. Antonio Davis, Petitioner-Petitioner v. Circuit Court for Dane County and Honorable Ellen K. Berz, Respondent

**Issue presented:**

Whether the [State Public Defender's] SPD's inability to appoint counsel before the deadline for requesting a substitution of judge expires is a "government created obstacle" that interferes with a defendant's intelligent exercise of his right of substitution? Alternatively, whether the doctrine of equitable tolling tolls the deadline for filing a request for substitution of judge until the defendant is appointed counsel?

**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**

2019AP374-CR

2021AP918

2021AP1912

State v. SandersVan Handel v. ShepardF.A.W. v. M.B.**Dane County**

2019AP2026-W

2020AP1870

2021AP1281-CR

2022AP72

2022AP2211-W

Ramirez v. HeppDressler v. KaulState v. Gratz*(Justice Jill J. Karofsky did not participate)*Klinger v. Wisconsin Mutual InsuranceCompanySchworck v. Circuit Court for Dane County  
(WSU)**Fond du Lac County**

2022AP1170-CR

State v. Allen**Florence County**

2021AP396

Eilau v. Roff**Langlade County**

2021AP988-CR

State v. Pearson**Manitowoc County**

2019AP1651

Backus Electric, Inc. v. Hubbart Electric, Inc.**Marathon County**

2021AP840

2021AP2115

Ally Capital Corp. v. RaderPetitioner v. Milbeck

**Milwaukee County**

2020AP1207

State v. Carpenter  
*(Justice Rebecca Frank Dallet did not participate)*

2021AP78

State v. Sellers

2021AP527-CR

State v. Lassa

2021AP654

State v. Williams

2021AP688-W

Tucker v. Benzel

*(Justice Patience Drake Roggensack did not participate)*

2021AP707

State v. Gutierrez-Mendoza

2021AP804-CR

State v. Jackson

2021AP805-CR

2021AP1424-CR

State v. Wilson

2021AP1786-CR

State v. Davis

2021AP1834-CR

State v. Hughes

2022AP2-W

Tran v. Hepp

2022AP713

L.E.H. v. R.E.M.

2022AP714

*(Justice Patience Drake Roggensack did not participate)*

2022AP715

2022AP805-W

Shaw v. Lucas

2022AP1397

State v. D.W., Jr.

2022AP1580

State v. C.L.

2022AP1581

2022AP1582

2022AP2109-W

Grady v. Fuchs (WHC)

**Portage County**

2022AP1249

Portage County DH&HS v. C.Z.

2022AP1250

2022AP1251

2022AP1252

2022AP1352

Portage County DH&HS v. S.Z.

2022AP1353

2022AP1354

2022AP1355

**Racine County**

2020AP1052

Vanderverter v. Hyundai Motor America  
*(Chief Justice Annette Kingsland Ziegler and Justice Rebecca Grassl Bradley dissent)*

2021AP1002-CR

State v. Canady

**St. Croix County**

2021AP392

Rood v. Selective Insurance Co.

*(Justice Patience Drake Roggensack dissents)*

**Walworth County**

2021AP1025-CR

State v. Barrera

2021AP1026-CR

2023AP191-W

Noback v. Court of Appeals, District II (WSU)

**Washington County**

2021AP1903-CR

State v. Kieson

*(Chief Justice Annette Kingsland Ziegler did not participate)*

**Waukesha County**

2021AP942-CR

State v. Schiller

2022AP807

State v. K.J.P.

**Waupaca County**

2021AP1384-CR

State v. Wittenberger

**Waushara County**

2021AP867-CR

State v. Lehouillier

**Winnebago County**

2022AP817

Winnebago County v. A.P.D.