



# Supreme Court of Wisconsin

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**FOR IMMEDIATE RELEASE**

## Wisconsin Supreme Court accepts five new cases

**Madison, Wis.** (September 30, 2022) – The Wisconsin Supreme Court recently voted to accept five 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](#).

2020AP819-CR

State v. Anderson

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

**Court of Appeals:** District I

**Circuit Court:** Milwaukee County, Judge David A. Feiss, affirmed

**Long caption:** State of Wisconsin, Plaintiff-Respondent, v. Wilson P. Anderson, Defendant-Appellant-Petitioner

**Issues presented:**

1. Did the State present sufficient evidence to meet its burden to prove the second, third, and fourth Sell factors by clear and convincing evidence? Sell v. United States, 539 U.S. 166 (2003).
2. Was Dr. Collins sufficiently qualified to offer expert testimony on the *Sell* factors?

2020AP1876-CR

State v. Hoyle

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

**Court of Appeals:** District III

**Circuit Court:** Chippewa County, Judge James M. Isaacson, reversed

**Long caption:** State of Wisconsin, Plaintiff-Respondent-Petitioner, v. Tomas Jaymitchell Hoyle, Defendant-Appellant

**Issue presented:**

Whether the prosecutor's closing argument that the evidence against Hoyle was uncontroverted was an improper comment on Hoyle's failure to take the stand?

2021AP1787-FT

Gahl v. Aurora

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

**Court of Appeals:** District II

**Circuit Court:** Waukesha County, Judge Lloyd Carter, reversed

**Long caption:** Allen Gahl Attorney in fact, on behalf of his principal, John J. Zingsheim, Petitioner-Respondent-Petitioner, v. Aurora Health Care, Inc. d/b/a Aurora Medical Center - Summit, Respondent-Appellant

**Issues presented:**

1. Whether the "plain-meaning" of the Health Care Power of Attorney from which was created statutorily by Wis. Stat. § 155.30(1) gave the circuit court the authority to grant declaratory and injunctive relief to John Zingsheim or other patients?
2. Whether a violation of the Hippocratic Oath or Aurora's contractual duty of "good faith and fair dealing" breach an implied contract between the patient and Aurora Hospital?
3. Whether the circuit court has the inherent authority to provide equitable remedy for the patient?
4. Whether the Circuit Court [has] the authority under Wis. Stat. § 448.30 to provide declaratory and injunctive relieve to the patient?

2022AP140-FT

Walworth County v. M.R.M.

**Supreme Court case type:** Certification

**Court of Appeals:** District II

**Circuit Court:** Walworth County, Judge Kristine E. Drettwan

**Long caption:** In the matter of the mental commitment of M.R.M.: Walworth County, Petitioner-Respondent v. M.R.M., Respondent-Appellant

**Issues presented:**

1. Does the Wisconsin Supreme Court's decision in Waukesha County v. E.J.W., 2021 WI 85, ¶38, 399 Wis. 2d 471, 966 N.W.2d 590, have retroactive application or only prospective application?
2. In a Wis. Stat. ch. 51 case involving a petition to extend a commitment order, is circuit court competency determined from the expiration of the earlier commitment order or from the expiration of the extension order, even where the extension order is determined on appeal to be invalid?

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

**Court of Appeals:** District I

**Circuit Court:** Milwaukee County, Kevin E. Martens reversed

**Long caption:** Neil J. Rennick, Plaintiff-Appellant, v. Teleflex Medical Incorporated, Defendant-Respondent-Petitioner, WEA Insurance Corporation, Defendant

**Issues presented:**

1. Consistent with the law of at least 35 other jurisdictions and Wisconsin federal court decisions, should the Court expressly adopt the learned intermediary doctrine as a matter of Wisconsin law?
2. Is the court of appeals permitted to reverse a circuit court decision based on incorrect statements by the court of appeals regarding what the circuit court decided and what was argued on appeal?

**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:

2022AP700-W

Estrada v. Sheila Reiff [WMA]

2022AP975-W

Hutchinson v. Court of Appeals, District I

[WSU] (Justice Patience Drake Roggensack did not participate)

Williams v. Eplett [WHC]

2022AP1156-W

State v. Hines

(Justice Rebecca Frank Dallet dissents)

2022AP1157-W

Milwaukee County v. K.M.

2017AP1424

Jackson County v. C.A.D.

2019AP1166

State v. Williams

2020AP69

Ozaukee County v. J.D.A.

2020AP464

State v. Marks

2021AP1148

Estate of Sandoval v. Bright Dental

2020AP1746

State v. Smith

2020AP1826

Mabin v. Konkargaev

2021AP135-CR

State v. Massie

2021AP188

State v. Garrett

2021AP378-CR

State v. Cina

2021AP519-CR

2021AP525-CR

2021AP560-CR	<u>State v. Brown</u> (Justice Patience Drake Roggensack did not participate)
2021AP672-CR 2021AP788-W	<u>State v. Hagler</u> <u>Dixon v. Benzel</u> (Justice Patience Drake Roggensack did not participate)
2021AP943-CR	<u>State v. McReynolds</u> (Chief Justice Annette Kingsland Ziegler and Justice Rebecca Grassl Bradley dissent)
2021AP1067-CR 2021AP1163-CR 2021AP1190-CR 2021AP1226-CR 2021AP1655 2021AP2011	<u>State v. Burgess</u> <u>State v. Caldiero</u> <u>State v. Sullivan</u> <u>State v. James</u> <u>Sheboygan County DH&amp;HS v. E.C.</u> <u>Jacobs v. Hayes</u> (Justice Ann Walsh Bradley did not participate)
2021AP2053-CR 2022AP420 2022AP421 2022AP422	<u>State v. Rodriguez</u> <u>State v. Q.S.</u>
2022AP544	<u>State v. A.T.</u>
2021AP24	<u>Vega v. LIRC</u>
2021AP339-CR	<u>State v. Burton</u>
2021AP1062-CR	<u>State v. Bessert</u>
2021AP1257	<u>Rennhack v. Rennhack</u> (Justice Patience Drake Roggensack dissents)
2021AP1917 2021AP1918 2021AP1919	<u>State v. S.A.</u>
2021AP2026	<u>Waupaca County v. H.I.B.</u>
2022AP736-W	<u>Kudingo v. Barrett</u> [WHC]
2020AP444	<u>Fugina v. Thurmond</u>

2020AP567-CR	<u>State v. Chancellor</u>
2020AP1972-CR	<u>State v. Rausch</u>
2020AP2130-CR	<u>State v. Freeman</u>
2021AP63-CR	<u>State v. Endries</u>
2021AP692-CR	<u>State v. Stryker</u>
2021AP765-CR	<u>State v. Mays</u> (Justice Patience Drake Roggensack and Justice Rebecca Frank Dallet dissent)
2021AP1044-CR	<u>State v. Meza</u>
2021AP1113	<u>John T. Lange v. City of Middleton</u>
2021AP1358	<u>State v. Roy Jones</u> (Justice Patience Drake Roggensack did not participate)
	State v. A. A.
2022AP984-W	<u>Davis v. Wis. DOJ [WSU]</u>
2021AP204-CR	<u>State v. Robinson</u>
2021AP205-CR	
2021AP563	<u>Sandoval v. Madison Equal Opportunities Commission</u>
2021AP1217	<u>State v. Lund</u>