



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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July 26, 2021

Sheila T. Reiff
Clerk, Wisconsin Supreme Court
110 East Main Street
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Madison, Wisconsin 53701-1688

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CLERK OF SUPREME COURT
OF WISCONSIN

Re: *State of Wisconsin v. James M. Burke*
Case No. 2020AP465-CR

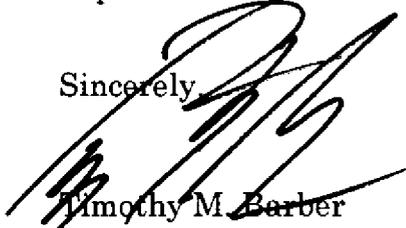
Dear Ms. Reiff:

James M. Burke seeks review of an unpublished, per curiam, court of appeals' opinion that affirmed a circuit court's discretionary order limiting the testimony of Burke's expert witness, Melinda Wakefield.¹ The court of appeals held that the circuit court properly excluded portions of Wakefield's testimony relating to false allegations under *State v. Dobbs*, 2020 WI 64, 392 Wis. 2d 505, 945 N.W.2d 609, *State v. Schmidt*, 2016 WI App 45, 370 Wis. 2d 139, 884 N.W.2d 510, and *State v. Haseltine*, 120 Wis. 2d 92, 352 N.W.2d 673 (Ct. App. 1984).

The State opposes review. The State believes that the court of appeals' decision was correct, in accordance with established law, and that the petition does not meet the criteria for review under Wis. Stat. § (Rule) 809.62(1r).

The State will not file a further response unless ordered to by the Court.

Sincerely,


Timothy M. Barber
Assistant Attorney General

TMB:ln

c: Frederick A. Bechtold
Counsel for Defendant-Appellant-Petitioner

¹ *State v. Burke*, No. 2020AP465-CR, 2021WL2426261 (June 15, 2021).