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Supreme Court of Wisconsin

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April 24, 2020

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

No. 2020AP687-OA Wis. Ass'n of Criminal Def. Lawyers v. Evers

On April 10, 2020, the petitioners, Wisconsin Association of Criminal Defense Lawyers, et al., filed an "Emergency Petition and Memorandum to Supreme Court to Take Jurisdiction of an Original Action" pursuant to Wis. Stat. § (Rule) 809.70, together with an Appendix.

In response to this court's order issued the same day, the respondents, Tony Evers, Governor of the State of Wisconsin, Kevin A. Carr, Secretary of the Wisconsin Department of Corrections, and John Tate II, Chairman of the Wisconsin Parole Commission, each in their respective official capacity, filed a response on April 17, 2020. They oppose the petition.

On April 20, 2020, petitioners filed an "Emergency Motion for Leave to File Supplemental and Reply Memorandum" and "Supplemental and Reply Memorandum in Support of Petition to take Jurisdiction of an Original Action," which the court accepted.

The court is mindful of the seriousness of the issues presented by the petition. It has carefully considered the documents filed by the parties, including the respondents' description of

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current efforts being taken to mitigate the risks and harms associated with the COVID-19 pandemic on the incarcerated population of Wisconsin, together with staff and members of the public who interact with these individuals. These measures include, but are not limited to, following CDC guidelines for management of COVID-19 in correctional facilities. The court has also considered the relief sought by the petitioners. The court is not persuaded that the relief requested, namely this court's appointment of a special master to order and oversee the expedited reduction of a substantial population of Wisconsin's correctional facilities is, in view of the myriad factual determinations this relief would entail, either within the scope of this court's powers of mandamus or proper for an original action.

Upon consideration of the foregoing,

IT IS ORDERED that the petition to take jurisdiction of an original action pursuant to Wis. Stat. § (Rule) 809.70 is denied.

Sheila T. Reiff
Clerk of Supreme Court