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RECEIVED

FEB 28 2019

CLERK OF SUPREME COURT
OF WISCONSIN

Shila Rieff, Clerk
Wisconsin Supreme Court
P.O. Box 1688
Madison, WI 53701-1688

February 25, 2019

RE: State vs. Markiel Hendricks, Case No. 2018 AP 000014-CR
State vs. William Lester Jackson, Case No.: 2018 AP000896-CR

Dear Ms. Rieff:

Enclosed for filing is an original and four copies of a Motion to Stay the Decision on the Petition for Review for each of the above referenced two appellate cases.

Please file these motions and return a file stamped copy of each Motion and this cover letter to me in the enclosed self addressed stamped envelope.

I have also forwarded a copy of each Motion to the Office of the Wisconsin Attorney General and Messrs. Jackson and Hendricks.

Please contact me with any questions.

Very Truly Yours,



Michael Holzman

FILED**FEB 28 2019**

IN THE COURT OF APPEALS
STATE OF WISCONSIN
DISTRICT I

CLERK OF SUPREME COURT
OF WISCONSIN

STATE OF WISCONSIN,
Plaintiff-Respondent

CASE NO: 2018AP000896-CR

WILLIAM LESTER JACKSON.,
Petitioner-Defendant-Appellant

MOTION TO STAY DECISION ON PETITION FOR REVIEW PENDING
SUPREME COURT DECISION IN STATE VS. TRAMMELL

NOW COMES DEFENDANT-APPELLANT-PETITIONER WILLIAM LESTER JACKSON, by and through his attorney Michael S. Holzman, and moves this court for a Stay of the Decision on the Petition for Review pending the Wisconsin Supreme Court decision in State vs. Trammell, 2017 AP 1206 -CR.

IN SUPPORT THEREOF, Defendant-Appellant-Petitioner states the following:

1. On February 6, 2019 Defendant filed a Petition For Review in this matter. The matter is currently before the Wisconsin Supreme Court on a direct Appeal for decision on this Petition.
2. Defendant proceeded to a jury trial in the present matter . In this trial, the trial court used the standard Burden of Proof Instruction, Criminal Jury Instruction Number 140 when it instructed

the Jury. The Wisconsin Supreme Court has recently granted the Petition for Supreme Court Review in State vs. Trammell, 2017 AP 001206-CR. The issue for review in this case is “Whether the holding in State vs. Avilla, 192 Wis. 2d 870, 532 NW2d 423(1995) that it is not reasonably likely that Wis. JI–Criminal 140 reduces the State’s burden of proof—is sound or should be overruled.” Since Jury Instruction 140 was presented to the jury in the present case , the Trammell decision will affect this case. Based on the foregoing, the interests of justice dictate that the present appeal be stayed pending the Supreme Court’s ruling in Trammell.

WHEREFORE, for the reasons stated above, Defendant-Appellant-Petitioner respectfully requests that this court issue an order staying the decision on the Petition for Review, pending the Wisconsin Supreme Court ruling in State vs. Trammell. Legally, this case is relevant to the Defendant-Appellant-Petitioner’s present appeal. This is because the appeal of this conviction is pending on direct appeal. State vs. Koch, 175 Wis. 2d 684, 499 NW2d 152(1993). Prejudice would occur in failing to grant this stay since the Petitioner-Defendant-Appellant’s Appeal process might end prior to the resolution of this case.

Respectfully Submitted,



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