



OFFICE OF THE CLERK
Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

FILED

01-14-2025

CLERK OF WISCONSIN

SUPREME COURT

January 14, 2025

To:

Hon. Steven M. Cain
Circuit Court Judge
Electronic Notice

Connie Mueller
Clerk of Circuit Court
Ozaukee County Justice Center
Electronic Notice

Sonya Bice
Electronic Notice

Daniel J. Fouliard
N55W34695 Lake Dr.
Oconomowoc, WI 53066

You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

Nos. 2022AP314-CR
2022AP315-CR

State v. Fouliard L.C.#s 2019CF331 & 2020CF92

Pending before the court are two motions filed by plaintiff-respondent, State of Wisconsin: (1) a motion to seal defendant-appellant-petitioner Daniel J. Fouliard's October 30, 2024 petition for review, his January 6, 2025 amended petition for review, and his January 10, 2025 proposed amended petition for review; and (2) a motion to seal the State's motion for an order to seal Fouliard's above referenced filings and "any subsequent order regarding it[.]"

As to the first motion, the State argues that Fouliard's filings contain references to a crime victim's alleged confidential medical information and that sealing said documents is required to comply with Article I, § 9m(2)(a)-(b), and (f) of the Wisconsin Constitution, which requires that crime victims "be treated with dignity, respect, courtesy, sensitivity, and fairness," that their right "[t]o privacy" be respected, and that they be are entitled "[t]o reasonable protection from the accused throughout the criminal . . . process." The State argues that the victim's medical history is not relevant to this proceeding and "[t]hese details were not included in [Fouliard's] filing in the court of appeals[.]"

Having reviewed the filings, the listed documents do, in fact, disclose sensitive, confidential medical information concerning the victim of a crime. Regardless of whatever

Page 2

January 14, 2025

Nos. 2022AP314-CR &
2022AP315-CR

State v. Fouliard L.C.#s 2019CF331 & 2020CF92

relevance this information may have, if any, sealing said filings from public view is appropriate in light of the constitutional and statutory protections afforded to crime victims under Wisconsin law. Wis. Const. art. I, § 9m(2)(a)-(b), and (f); *see also* WIS. STAT. § 950.04(1v)(ag) (providing that victims of a crime have the right, *inter alia*, “[t]o be treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies”).

As to the second motion, the State argues that there is “good cause” under WIS. STAT. § (Rule) 809.86(5), because “[t]he motion seeking an order necessarily explains the information that State is seeking to prevent from being publically disclosed[.]” The State contends that “[i]n order to protect the privacy interests identified in that motion, which are governed by WIS. STAT. § (Rule) 809.86 preventing identification of the victim in a criminal case, the motion itself will necessarily need to also be restricted from public access.”

While the State’s first motion makes a general reference to “highly confidential details of the victim’s medical history” in Fouliard’s filings, the State’s motion does not itself disclose the substance or details of the information at issue. Nor does the State’s motion reveal the identity of the crime victim in this case. The State does not cite any authority to support the notion that making general reference to a category of confidential information in a motion to seal warrants sealing of the motion itself. Likewise, the State does not cite any authority to justify sealing “any subsequent order” regarding its motions to seal. Therefore,

IT IS ORDERED that the motion to seal defendant-appellant-petitioner Daniel J. Fouliard’s October 6, 2024 petition for review, his January 6, 2025 amended petition for review, and his January 10, 2025 proposed amended petition for review is granted;

IT IS FURTHER ORDERED that the motion to seal the plaintiff-respondent State of Wisconsin’s motion for an order to seal “and any subsequent order regarding it” is denied.

Samuel A. Christensen
Clerk of Supreme Court