

**WISCONSIN SUPREME COURT
OFFICE OF THE CLERK**

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TABLE OF PENDING CASES

The following table describes pending cases the Supreme Court has accepted on petition for review, bypass, certification, and original jurisdiction.

The cases included for the first time (that is, the most recently accepted cases) are marked with an asterisk (*) next to the case number. After the Supreme Court decides a case, the date of oral argument or date of submission on briefs will be replaced with the date of the Supreme Court decision and an abbreviated mandate. That mandate will generally be displayed in the table for two months, after which the case will be removed.

The information in the table, from left to right, is as follows:

- Case No.: Case number this includes hyperlinks to online case access;
- Case Caption: the abbreviated caption of the case (case name);
- Issue(s): a summary of the issues, with hyperlinks to relevant statutes and cases where applicable;
- SC Accepted: the date the Supreme Court accepted the case including how the case reached the Supreme Court. Abbreviations used are:

BYPA = Petition to bypass	CERT = Certification
ORIG = Original Action	REVM = Petition for review
- Oral Arg./Brief Subm. Date: the date of oral argument or submission on briefs; or the date of the Supreme Court decision along with an abbreviated mandate;
- CA Dist./Cty Information: the Court of Appeals district from which the case came, if applicable, as well as the county of origin;
- CA Decision: the date of the Court of Appeals decision, if applicable;
- Decision Publication Status: Indication of whether the Court of Appeals decision is published or unpublished. If published, citations to the public domain and the official reports are provided, along with hyperlinks where available.

The issues presented in this table are intended to be concise and do not aim to provide a comprehensive or detailed description of the specific case. Readers who want to understand the specifics of these issues should refer to the records and briefs filed with the Supreme Court.

The following table covers cases accepted and decisions issued through **May 21, 2026**. Please direct any comments regarding this table to the Clerk of Supreme Court via email to Clerk@WICourts.gov.

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Case No.	Caption/Issue(s)	SC Accepted/ Oral Arg. or Brief Subm.	CA Dist./ Cty.	CA Decision
2022AP182	<u>Koble Investments v. Elicia Marquardt</u> Do the provisions of Wis. Stat. § 427.104(1) apply to a landlord attempting to enforce a residential lease? If a residential lease incorporates the provisions of Wis. Stat. § 704.05(3) , does the lease violate Wis. Stat. § 704.44(10) and Wis. Admin. Code § ATCP 134.08(10) by failing to include the notice of domestic abuse protections required by Wis. Stat. § 704.14 ? When a residential tenant does not prove that he or she suffered any pecuniary loss because of a violation of Wis. Stat. § 704.44 or Wis. Admin. Code § ATCP 134.08(1), are damages recoverable under Wis. Stat. § 100.20(5) ? Can an attorney, who has withdrawn from representing a residential tenant, directly pursue and recover his or her own attorney fees—including those incurred on appeal—under Wis. Stat. §§ 100.25(1) or 425.308(1) based upon a landlord’s alleged violation of Wisconsin landlord-tenant law?	02/12/2025 REVW Oral Arg.: 09/09/2025	3 Marathon	04/23/2024 Pub. 2024 WI App 26

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2022AP431	<p><u>Wisconsin State Legislature v. Josh Kaul</u></p> <p>Through 2017 Wisconsin Act 369, the Wisconsin Legislature amended Wis. Stat. § 165.10 to require the Department of Justice to “deposit all settlement funds into the general fund.”</p> <p>Does the Department “deposit all settlement funds into the general fund” when it places moneys received from settlements into program revenue appropriations in the general fund?</p> <p>If the court determines that Wis. Stat. § 165.10 and § 20.906(1) should be interpreted not to prohibit the attorney general from crediting settlement funds into the appropriation under Wis. Stat. § 20.455(3)(g), does the language of Wis. Stat. § 20.455(3)(g) authorize the crediting of civil action settlement proceeds to that appropriation? In other words, do the services rendered by Department of Justice personnel in litigating a civil action on behalf of the State of Wisconsin or an executive branch agency constitute “proceeds from services” under Wis. Stat. § 20.455(3)(g)?</p>	<p>12/08/2025 REVW Oral Arg.: 03/11/2026</p>	<p>3 Polk</p>	<p>12/18/2024 Pub. 2025 WI App 2</p>

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2022AP723	<p><u>Estate of Carol Lorbiecki v. Pabst Brewing Company</u></p> <p>Wisconsin’s safe place statute generally requires an owner of a place of employment or a public building to “construct, repair or maintain such a place of employment or public building as to render the same safe,” Wis. Stat. § 101.11, for employees and frequenters. Is Pabst liable under Wisconsin’s safe place statute for Mr. Lorbiecki’s injuries?</p> <p>To award punitive damages, Wisconsin law requires “evidence ... showing that the defendant acted maliciously toward the plaintiff or in an intentional disregard of the rights of the plaintiff.” Wis. Stat. § 895.85(3). Should the jury be allowed to consider punitive damages for every alleged negligent violation of Wisconsin’s safe place statute?</p> <p>Wisconsin limits punitive damages to the greater of \$200,000 or “twice the amount of any compensatory damages recovered by the plaintiff.” Wis. Stat. § 895.043(6) (emphasis added). “The rule of joint and several liability does not apply to punitive damages.” Id. § 895.043(5). Does the statutory phrase “compensatory damages recovered” in Wisconsin Statute § 895.043(6) include damages that a plaintiff cannot recover?</p>	<p>12/10/2024 REVW</p> <p>Affirmed in part & Reversed in part</p> <p>04/15/2026</p> <p>2026 WI 12</p>	<p>1 Milwaukee</p>	<p>05/07/2024 Pub.</p> <p>2024 WI App 33</p>

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<u>2022AP937</u>	<p><u>Legend Lake Property Owners Association, Inc. v. Guy Keshena</u></p> <p>Whether Congress abrogated the Menominee Indian Tribe’s sovereign immunity through the Menominee Restoration Act, Pub. L. No. 93-197, § 3(b), 87 Stat. 770 (1973)(“MRA”);</p> <p>Whether there is an “in rem” exception or an “immovable property” exception to tribal sovereign immunity;</p> <p>Whether the Tribe waived its sovereign immunity when it purchased properties that were subject to restrictive covenants, including one that specifically provided that any purchaser waived sovereign immunity; and</p> <p>Whether the MRA preempts the enforcement of restrictive covenants on property under state law.</p>	<p>03/13/2025 CERT Oral Arg.: 10/13/2025</p>	<p>3 Menominee</p>	<p>--</p>

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2022AP2026	<p><u>Konkanok Rabiebna v. Higher Educational Aids Board</u></p> <p>The U.S. Supreme Court has held that programs using racial classifications are constitutional if they have a measurable compelling interest, narrow tailoring designed to address that interest, a lack of substantial harm to other groups, and a way to measure an appropriate end.</p> <p>Wisconsin Stat. § 39.44, currently funded at less than one percent of state aid, addresses disproportionate attrition rates among students in specific racial groups by awarding grants, beginning sophomore year, through the private colleges and Wisconsin technical colleges the students attend. The grants help those schools retain the classes they matriculated and promote equal opportunity for all students. They dramatically reduce attrition for grant recipients, far more than race neutral financial aid. Annual reports keep public officials apprised of the program’s performance, and the Legislature chooses how to fund the program biennially.</p> <p>Did the respondents show that the statute is unconstitutional in all applications?</p> <p>For a plaintiff to have standing, this Court’s precedent requires the plaintiff to have suffered a real and immediate injury and to have a legally protectable interest. In turn, to establish taxpayer standing, a plaintiff must suffer a personal, pecuniary injury. Mere disagreement with a law is insufficient to afford taxpayer standing.</p> <p>Here, Respondents are not students seeking financial assistance. Instead, as taxpayers, they challenged some of the criteria governing the Retention Grant but did not seek to have fewer taxpayer dollars spent.</p> <p>Did Respondents satisfy the requirements for taxpayer standing by demonstrating a personal pecuniary loss?</p>	<p>11/04/2025 REVW Oral Arg.: 02/11/2026</p>	<p>2 Jefferson</p>	<p>02/26/2025 Pub. 2025 WI App 24</p>

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2023AP36	<p><u>Wisconsin Voter Alliance v. Kristina Secord</u></p> <p>Because the Notices Voting Eligibility are not a court’s underlying determination “pertinent to a finding of [an individual’s] incompetency,” but communications regarding the individual’s right to vote after a competency hearing, are the Notices subject to disclosure under the Wisconsin Public Records Act?</p> <p>Whether the district court should have granted a petition for a writ of mandamus when documents sought under Wisconsin’s Public Records Law, such as Notices of Voting Eligibility, are public information subject to disclosure.</p>	<p>01/07/2026 REVW Oral Arg.: 04/21/2026</p>	<p>2 Walworth</p>	<p>03/19/2025 Unpub.</p>
2023AP498	<p><u>Charlie May Brekke v. Midwest Medical Ins. Co.</u></p> <p>Whether an unborn child (or any minor child) is a patient under WIS. STAT. § 448.30 and thus entitled to informed consent with the independent right to pursue legal action against a physician who fails to comply with said statute.</p>	<p>01/07/2026 CERT Oral Arg.: 04/21/2026</p>	<p>2 Winnebago</p>	<p>--</p>

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2023AP588	<p><u>Cincinnati Insurance Company v. James Ropicky</u></p> <p>Whether The Cincinnati Insurance Company (“Cincinnati”) is entitled to judgment as a matter of law that the Fungi Exclusion contained in the Executive Classic Homeowner insurance policy it issued to James Ropicky (“Ropicky”) precludes coverage, except for the \$10,000 limit of insurance provided pursuant to Section I, A.5. Section I Additional Coverage m. Fungi, Wet or Dry Rot, or Bacteria of the Policy, which Cincinnati has undisputedly paid.</p> <p>Whether Cincinnati is entitled to judgment as a matter of law that it met its burden of establishing that the Policy’s Construction Defect Exclusion applies to preclude coverage for damage caused by water infiltration and that Ropicky has not met his burden of establishing that an exception to the Construction Defect Exclusion, i.e., the “ensuing loss” clause, applies to reinstate coverage.</p>	<p>11/4/2025 REVW Oral Arg.: 02/10/2026</p>	<p>2 Waukesha</p>	<p>12/26/2024 Pub. 2025 WI App 5</p>
2023AP722-CR	<p><u>State v. N.K.B.</u></p> <p>Under Wisconsin’s Mental Health Act, “patients” have the right to refuse medication except under certain circumstances, including where they pose a danger to themselves or others at the institution charged with their care. Chapter 971.14 committees, like Chapter 980 committees, are “patients” within the meaning of the Act. The Court previously held that the Act authorized a Chapter 980 committing court to order involuntary medication to address a committee’s dangerousness at an institution. Does the Act also authorize a Chapter 971.14 committing court to order forced medication to address dangerousness at an institution?</p>	<p>02/12/2015 REVW Oral Arg.: 09/04/2025</p>	<p>1 Milwaukee</p>	<p>10/01/2024 Pub. 2024 WI App 63</p>

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2023AP1432	<u>Children's Hospital of Wisconsin, Inc. v. City of Wauwatosa</u> Does Wis. Stat. § 70.11(4m) , which exempts from taxation nonprofit hospitals such as the children’s hospital CHW operates, and the “readying rule,” which allows for incomplete additions to such hospitals to be exempt from taxation if they are “being readied for use,” exempt the incomplete North Tower from taxation?	04/22/2026 REVW	1 Milwaukee	06/10/2025 Pub. 2025 WI App 43
2023AP1549	<u>Bank of America NA v. The Estate of Richard P. Nelson</u> Whether the federal priority statute’s deceased-debtor provision, 31 U.S.C. § 3713(a)(1)(B), gives the United States priority over only “the estate of a deceased debtor, in the custody of the executor or administrator,” or instead may also apply to a foreclosure surplus in the custody of a court official.	05/20/2026 REVW	2 Waukesha	09/17/2025 Pub. 2025 WI App 61
2023AP1717	<u>Distinguished Multiplying Buildings (D.M.B.), LLC v. Germantown Mutual Insurance Company</u> Whether the ordinance or law exclusion in Germantown Mutual Insurance Company’s policy of insurance issued to Distinguished Multiplying Buildings (D.M.B.), LLC excludes coverage for Distinguished Multiplying Buildings (D.M.B.), LLC’s constructive total loss of its building when the municipality ordered the building razed following a significant fire?	04/22/2026 REVW	3 Eau Claire	04/22/2025 Unpub.

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2023AP2192	<u>State v. Daniel J. Rejholec</u> Whether an allocution statement made by the defendant prior to the court pronouncing sentence is admissible at a subsequent trial after the defendant withdraws his plea. Whether introduction of a defendant’s allocution statement in a subsequent trial after his plea is withdrawn to correct a manifest injustice violates due process.	05/20/2026 REVW	2 Sheboygan	05/28/2025 Pub. 2025 WI App 36
2023AP2102	<u>State v. K.R.C.</u> One day while at school, twelve-year-old Kevin (pseudonym used) was called out of class to the principal’s office. The principal directed Kevin to the “school resource” officer’s office. Inside the office were two police officers. While one officer interrogated Kevin, the other stood in front of the door. Kevin was never given <i>Miranda</i> warnings. The issues presented are: <ol style="list-style-type: none"> 1. Whether Kevin was “in custody” under the <i>Miranda</i> standard and should have been provided <i>Miranda</i> warnings. 2. Whether Kevin’s inculpatory statements were involuntarily procured by coercive police tactics. 	03/13/2025 REVW Affirmed 03/26/2026 2026 WI 10	2 Manitowoc	10/30/2024 Unpub.
2023AP2428	<u>Buddy's Plant Plus Corporation v. Viking Masek Global Packaging Technologies, LLC</u> Was the limitation of liabilities provision masked within the warranty clause in the contract between Buddy’s and Viking unconscionable and did it fail of its essential purpose, entitling Buddy’s to damages under the UCC? Did Buddy’s prove its consequential damages to a reasonable degree of certainty?	04/22/2026 REVW	2 Sheboygan	07/30/2025 Pub. 2025 WI App 46

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2024AP178	<u>Wildwood Estate, LLC v. Village of Summit</u> Whether the Village of Summit properly used its police powers (rather than zoning regulation) when it exercised its reserved right under Wis. Stat. § 66.1014 to create Ordinance 71-2019 to regulate short-term rentals of fewer than seven days.	05/20/2026 REVW	2 Waukesha	07/09/2025 Pub. 2025 WI App 47
2024AP126	<u>Savannah Wren v. Columbia St. Mary's Hospital Milwaukee, Inc.</u> Whether Wis. Stat. § 895.4801 's grant of immunity to healthcare providers for allegedly negligent actions at the start of the COVID-19 pandemic is an unconstitutional violation of an individual's right to a jury trial?	06/30/2025 REVW Reversed & Remanded 04/10/2026 2026 WI 11	1 Milwaukee	02/11/2025 Pub. 2025 WI App 22
2024AP250	<u>Outagamie County v. M.J.B.</u> Is an examiner's report filed less than 48 hours in advance of the final hearing considered inaccessible under Wis. Stat. § 51.20(10)(b) , resulting in the circuit court losing competency to proceed?	10/06/2025 REVW Oral Arg.: 02/10/2026	3 Outagamie	05/20/2025 Pub. 2025 WI App 37

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2024AP469-CR	<p><u>State v. Andreas W. Rauch Sharak</u></p> <p>Whether a person who holds an electronic account with an electronic service provider (ESP) retains a reasonable expectation of privacy, as to the government, in files that the ESP obtains from the account, despite terms of service that provide that the ESP will scan the account for illegal content and may report such content to law enforcement.</p> <p>Whether an ESP’s scan and review of files in a person’s electronic account constitute a private search or a government search under <i>State v. Payano-Roman</i>, 2006 WI 47, 290 Wis. 2d 380, 714 N.W.2d 548.</p> <p>Whether a law enforcement officer is required to obtain a warrant before opening and viewing any files that the ESP sent to National Center for Missing and Exploited Children (NCMEC), which then sent the files to law enforcement.</p> <p>Case to be heard with State v. Gasper, 2023AP2319, 2024 WI App 72.</p>	<p>03/13/2025 CERT</p> <p>Affirmed 02/24/2026 2025 WI 4</p>	<p>4 Jefferson</p>	<p>--</p>
2024AP472	<p><u>S. G. v. Wisconsin Department of Children and Families</u></p> <p>Is Corporation Counsel a party as a statutory right pursuant to Wis. Stats. § 48.09(5) in actions arising under § 48.13 when Corporation Counsel is not the petitioner?</p> <p>Is Corporation Counsel a party representing the interest of the public pursuant to Wis. Stats. § 48.09(5) when the County Department of Human Services is court ordered to provide services and funding in privately-filed petitions under § 48.13?</p>	<p>03/12/2026 REVW</p>	<p>4 Waupaca</p>	<p>04/03/2025 Pub. 2025 WI App 32</p>

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2024AP577	<u>Friends of Blue Mound State Park v. Wisconsin Department of Natural Resources</u> Wis. Stat. § 227.42 grants parties a right to a contested case hearing before an administrative agency, even when one is not otherwise provided by law. Subsection (3) of § 227.42 is a limited exception to that right “where hearings at the discretion of the agency are expressly authorized by law.” The question is whether a “hearing[] at the discretion of the agency” refers to a contested case hearing or something substantially similar (consistent with legislative intent and statutory language)—or (as the Court of Appeals held for the first time) any hearing at all, regardless of its form or procedural safeguards. Did the Friends satisfy the criteria for a contested case hearing enumerated in Wis. Stat. § 227.42(1)(a)–(d)?	04/22/2026 REVW	1 Iowa	09/23/2025 Pub. 2025 WI App 63
2024AP581	<u>State v. Jonathan James Petersen</u> Whether—and to what extent—a circuit court at sentencing can regulate a defendant’s First Amendment activity as a condition of extended supervision.	05/20/2026 REVW	2 Kenosha	11/19/2025 Pub. 2025 WI App 74

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2024AP673	<u>Sierra Club v. Wisconsin Department of Natural Resources</u>	02/12/2026 REVW	4 Dane	05/15/2025 Pub. 2025 WI App 39
	<p>As part of its role in issuing air-pollution control permits, DNR has developed an internal guidance memorandum about how best to determine the impact that a proposed facility’s emissions will have on air quality. This guidance memo instructs DNR staff to use data collected from statewide and regional air-quality monitors and data extrapolated from those monitors. The memo does not independently impose any mandatory requirements and instead implements the air-permitting procedures codified in statute and in state and federal administrative rules. The memo expressly states that it “does not establish or affect legal rights or obligations,” “does not create any rights enforceable by any party in litigation,” and that it “is not finally determinative of any . . . issues addressed,” which will instead be determined in the final permitting decision.</p> <p>Does this memo have the “force of law” such that it needed to undergo formal, notice-and-comment rulemaking?</p>			

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2024AP777	<p><u>State v. John R. Phelan</u></p> <p>Did the court of appeals misinterpret Wis. Stat. § 29.921(5) in a manner that incorrectly circumscribes the Legislature’s grant of additional arrest authority to trained and certified wardens?</p> <p>Did the court of appeals incorrectly interpret Wis. Stat. § 29.921(5)’s authorization for wardens to “arrest a person who has committed a crime in the presence of the warden” as applying only when a “warden has personally witnessed—based on any combination of the warden’s contemporaneous sensory perceptions, but based only on those contemporaneous perceptions—facts that objectively support probable cause to believe that the person has committed a crime, and not merely a civil law violation, in the warden’s presence”?</p> <p>Did the court of appeals misinterpret Wis. Stat. § 29.921(5) when it read the phrase “A warden may not conduct investigations . . . of state law” so broadly as to prohibit a warden who validly arrests a person from performing tasks attendant to an arrest, such as picking up and securing evidence?</p> <p>Did the court of appeals misinterpret Wis. Stat. § 29.921(5) so as to prohibit a warden who is assisting another law enforcement agency at the other agency’s request from doing anything to actually assist such as taking photos, or collecting or securing evidence?</p> <p>Did the court of appeals incorrectly conclude that the remedy for a violation of Wis. Stat. § 29.921(5) by improperly conducting an investigation is suppression even though Phelan’s constitutional rights were not violated, Wis. Stat. § 29.921(5) says nothing about suppression for conducting an investigation, suppression is inconsistent with the statute’s objectives, and the circuit court did not determine that suppression was warranted?</p> <p>Did the court of appeals properly vacate Phelan’s convictions without determining whether the error it identified affected Phelan’s substantial rights as Wis. Stat. § 805.18(2) requires?</p>	04/22/2026 REVW	4 Columbia	09/15/2025 Pub. 2025 WI App 57

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2024AP1098	<u>Somerset Condominium Association, Inc. v. RC Somerset, LLC</u> When a liability insurance policy excludes coverage for claims arising out of facts “related” to an earlier reported “wrongful act” of the insured, and the insured engages in a series of allegedly “wrongful acts” over a period of multiple years aimed at preventing development of two real estate parcels, are the later acts “related” to the original reported claim such that the exclusion applies?	05/20/2026 REVW	2 Walworth	09/18/2025 Pub. 2025 WI App 58
2024AP1195	<u>Sheboygan County v. N. A. L.</u> Did the trial court violate N.A.L.s due process rights by accepting the stipulation for commitment and issuing and order for involuntary medication without conducting a colloquy to ensure the stipulation was knowing, intelligent, and voluntary?	05/21/2025 REVW Affirmed 05/19/2026 2026 WI 16	2 Sheboygan	02/05/2025 Unpub.
2024AP1390	<u>Waukesha County v. R. D. T.</u> Is R.D.T.’s appeal from their recommitment moot where the commitment has expired, but they remain liable for the costs of care and subject to a firearm ban? Did the circuit court make sufficient factual findings — grounded in admissible evidence — to support R.D.T.’s recommitment?	11/17/2025 REVW Oral Arg.: 03/10/2026	2 Waukesha	02/12/2025 Unpub.
24AP1462	<u>Creative Finance, Inc. v. Carlos Rangel</u> Does Wis. Stat. § 425.308(1) , which requires an award of attorney fees to a “customer [who] prevails in an action arising from a consumer transaction,” additionally require the prevailing consumer to prove a specific WCA violation prior to being awarded attorney fees?	04/22/2025 REVW	4 Dane	04/24/2025 Unpub.

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Case No.	Caption/Issue(s)	SC Accepted/ Oral Arg. or Brief Subm.	CA Dist./ Cty.	CA Decision
2024AP2368	<u>State v. Samuel R. Osornio</u> Did Osornio prove that trial counsel’s failure to request the lesser-included offense instruction before the jury began deliberating created a reasonable probability of a different result at his trial?	05/20/2026 REVW	4 Columbia	07/18/2025 Pub. 2025 WI App 53
2024AP2585	<u>State v. Noah Q. Mann-Tate</u> Wisconsin Stat. § 970.032(2) , Wisconsin’s “reverse waiver” procedure for sending a case that originates in criminal court to the juvenile court, provides all of the hallmarks of “fundamental fairness” in criminal procedure required under the Constitution. It provides a juvenile with notice, a hearing with the benefit of counsel, enumerated criteria guiding the circuit court’s discretionary decision whether to waive the juvenile into juvenile court, and a reasoned decision on the merits. Is Wis. Stat. § 970.032(2), facially unconstitutional under the Procedural Due Process Clause of the Fourteenth Amendment because it does not also mandate that the circuit court consider and discuss the “attributes of youth” discussed in dicta in United States Supreme Court decisions about what punishments are categorically barred for juveniles by the Eighth Amendment and whether they are in custody for purposes of <i>Miranda</i> ?	05/20/2026 REVW	1 Milwaukee	02/03/2026 Pub. 2026 WI App 17
2025AP813-FT	<u>Racine County v. R. P. L.</u> Did the court of appeals apply the correct legal standard to its review of the sufficiency of the evidence? Applying the correct legal standard, does the evidence meet the statutory criteria?	11/17/2025 REVW Oral Arg.: 03/10/2026	2 Racine	07/30/2025 Unpub.

NOTE: The issues outlined here are meant to be concise and do not provide a detailed overview of the specific matters in each case. Readers seeking specific case details are encouraged to refer to the records and briefs filed with the Supreme Court.