



# Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

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Telephone (608) 266-7442

October 31, 2023

Via Email Distribution

To: Attorney William C. Gleisner, III  
Chair, Wisconsin Judicial Council  
19125 Killarney Way  
Brookfield, WI 53045

Hon. Thomas M. Hruz  
Chair, Appellate Procedure Committee  
District III, Wisconsin Court of Appeals  
2100 Stewart Avenue, Suite 310  
Wausau, WI 54401-1700

Re: Rule Petition 23-05: In the Matter of proposed rules relating to appellate court proceedings from orders entered pursuant to Wis. Stat. § 971.14 regarding pretrial competency rulings in criminal cases.

Dear Attorney Gleisner and Judge Hruz:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 23-05, filed on October 12, 2023. As noted in separate correspondence, the court has voted to solicit public comments from interested persons and schedule a public hearing at a date to be determined.

In addition, the court invites the petitioners to provide answers to the following questions concerning the proposed changes:

1. Given that proposed Wis. Stat. § (Rule) 809.109(3) allows appeals by the State of Wisconsin, should proposed Wis. Stat. § (Rule) 809.109(6), governing confidentiality, be amended to state: "For appeals under this section, the notice of appeal and any other filed documents shall refer to the appellant person subject to the s. 971.14 order that is being appealed by one or more initials or other appropriate pseudonym or designation"?
2. Section 2 of the petition contains proposed amendments to two additional statutes. However, both are labelled as "Wis. Stat. § 809.10(1)(d)." Please verify that the second listed statute should instead be identified as "Wis. Stat. § 809.801(5)(c)."

Please file your response by Tuesday, November 28, 2023 with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. Additionally, please e-mail a Microsoft Word version of your response to [clerk@wicourts.gov](mailto:clerk@wicourts.gov).

You might wish to consult the court's website at <https://www.wicourts.gov/scrules/pending/2305.htm> to follow this rule petition. Court communications on the petition and any written comments filed with the clerk's office are posted on the website.

If you have specific questions regarding this matter, please contact me at (608) 261-6641 or [tim.barber@wicourts.gov](mailto:tim.barber@wicourts.gov).

Yours very truly,

/s/

Timothy M. Barber

Supreme Court Commissioner

cc: Chief Justice Annette Kingsland Ziegler  
Justice Ann Walsh Bradley  
Justice Rebecca Grassl Bradley  
Justice Rebecca Frank Dallet  
Justice Brian Hagedorn  
Justice Jill J. Karofsky  
Justice Janet C. Protasiewicz