



# Supreme Court of Wisconsin

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## Wisconsin Supreme Court accepts five cases at March 13 conference

**Madison, Wisconsin** (April 4, 2025) – The Wisconsin Supreme Court recently voted to accept five cases, and the Court acted to deny review in a number of other cases at its March 13, 2025 conference. The case numbers, counties of origin and the issues presented in granted cases are listed below. More information about pending appellate cases can be found on the Wisconsin Supreme Court and Court of Appeals Access [website](#). Published Court of Appeals opinions can be found [here](#), and the status of pending Supreme Court cases can be found [here](#).

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No. 2024AP469-CR

State v. Rauch Sharak

**Supreme Court case type:** Certification

**Court of Appeals:** District IV

**Circuit Court:** Jefferson County, Judge William F. Hue.

**Long caption:** State of Wisconsin, Plaintiff-Respondent, v. Andreas W. Rauch Sharak, Defendant-Appellant.

**Issue(s) presented:**

1. Whether a person who holds an electronic account with an 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?
2. Whether and ESP's scan and review of files in a person's electronic account constitute a private search or a government search under State v. Payano-Roman, 2006 WI 47, 290 Wis. 2d 380, 714 N.W.2d 548.
3. Whether a law enforcement officer is required to obtain a warrant before opening and viewing any files that the ESP sent to NCMEC, which then sent the files to law enforcement.

**Supreme Court case type:** Certification

**Court of Appeals:** District III

**Circuit Court:** Menominee County, Judge Katherine Sloma.

**Long caption:** Legend Lake Property Owners Association, Inc., Plaintiff-Appellant, v. Guy Keshena and The Menominee Indian Tribe of Wisconsin, Defendants-Respondents.

**Issue(s) presented:**

1. 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");
  2. Whether there is an "in rem" exception or an "immovable property" exception to tribal sovereign immunity;
  3. 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
  4. Whether the MRA preempts the enforcement of restrictive covenants on property under state law.
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**Supreme Court case type:** Petition for Review

**Court of Appeals:** District II

**Circuit Court** Waukesha County, Judge Michael O. Bohren. *Reversed and cause remanded.*

**Long caption:** State of Wisconsin, Plaintiff-Appellant, v. Michael Joseph Gasper, Defendant-Respondent-Petitioner.

**Issue(s) presented:**

1. Whether Gasper was entitled to a "reasonable expectation of privacy" in data uploaded to his snapchat account from his cellphone?
  2. Whether the March 3, 2023 warrantless viewing by law enforcement of the Snapchat cybertip satisfies the "private search" exception to the fourth amendment.
  3. Whether the "good faith exception" to the exclusionary rule applies to obviate the constitutional violation of the fourth amendment warrant requirement in this case.
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No. 2022AP1728

Gudex v. Franklin Collection Service, Inc.

**Supreme Court case type:** Petition for Review

**Court of Appeals:** District I

**Circuit Court** Milwaukee County, Judge Frederick C. Rosa *Affirmed*.

**Long caption:** Heather Gudex, Plaintiff-Respondent, v. Franklin Collection Service, Inc., Defendant-Appellant-Petitioner.

**Issue(s) presented:**

1. Whether a rejected offer of complete individual relief, together with universal injunctive relief, for an alleged violation under the Wisconsin Consumer Act, Chapter 427, made by "the person against whom [the] alleged cause of action is asserted" to the allegedly aggrieved "party" pursuant to Wis. Stat. § 426.110(4)(c), both moots such aggrieved party's individual claim and precludes such party from maintaining a class action for damages and injunctive relief under Wis. Stat. § 426.110.
  2. Whether a plaintiff who suffers no actual damages or other concrete injury, and who claims only "confusion" resulting from an alleged technical violation of Wis. Stat. Ch. 427, is "a person injured" within the meaning of Wis. Stat. § 427.105(1) so as to have standing to bring an action for actual damages and the statutory penalty under Wis. Stat. § 425.304.
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No. 2023AP2102

State v. K.R.C.

**Supreme Court case type:** Petition for Review

**Court of Appeals:** District II

**Circuit Court:** Manitowoc County, Judge Jerilyn M. Dietz *Affirmed*.

**Long caption:** In the interest of K.R.C., a person under the age of 18: State of Wisconsin, Petitioner-Respondent, v. K. R. C., Respondent-Appellant-Petitioner.

**Issue(s) presented:**

1. Whether K.R.C. was "in custody" under the Miranda standard and should have been provided Miranda warnings.
  2. Whether K.R.C.'s inculpatory statements were involuntarily procured by coercive police tactics.
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**Review denied:** The Supreme Court denied review in the following cases. As the state’s law-developing court, the Supreme Court exercises its discretion to select for review only those cases that fit certain [statutory criteria](#) (see Wis. Stat. § 809.62). Except where indicated, these cases came to the Court via petition for review by the party who lost in the lower court:

**Petitions for Original Action**

2024AP2490-OA	<u>Schilling v. State</u>
2024AP2534-OA	<u>Sanders v. Hayes</u>
2025AP79-OA	<u>Brown v. DOC-Division of Adult Institutions</u>
2025AP109-OA	<u>Marin v. BBE</u>

**Adams County**

2023AP1858	<u>MidFirst Bank v. Jiminez</u>
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**Brown County**

2022AP2181-CR	<u>State v. Holl</u>
2024AP394	<u>HIS Servant Foundation v. Village of Hobart</u>

**Columbia County**

2023AP28	<u>State v. Parchem</u>
2023AP1578	<u>Austin v. Roesler</u>

**Dane County**

2022AP1106 2023AP120	<u>Clean Wisconsin, Inc. v. Public Service Commission of Wisconsin</u>
2023AP791	<u>Maus v. Pagel</u>

2024AP493 Dane County v. A.S.

2024AP2625-W Jozwiak v. Nesbitt

**Dodge County**

2023AP1778-CR State v. Matke

**Eau Claire County**

2022AP1344 State v. Northern

2022AP1771 Riley Fiontar, LLC v. DNR

2023AP1697 Miller v. West Bend Mutual Insurance Co.

**Kenosha County**

2023AP1767-CR State v. Palma  
2023AP1768-CR

**Marathon County**

2021AP1596-CR State v. Young

**Marinette County**

2023AP421-CR State v. Cook

**Marquette County**

2023AP897-CR                      State v. Brown

**Milwaukee County**

2022AP1778-CR                      State v. Dickey  
2022AP1779-CR

2022AP2074-CR                      State v. Hudson

2023AP174-CR                      State v. Thomas  
2023AP175-CR  
2023AP176-CR

2023AP294-CR                      State v. Hogans  
2023AP295-CR                      [Justice J. Protasiewicz did not participate]

2023AP469-CR                      State v. Tate  
2023AP470-CR

2023AP823-CR                      State v. Thongchamleunsouk

2023AP903-CR                      State v. Allen

2023AP920-CR                      State v. Taylor

2023AP934-CR                      State v. Cooley  
2023AP935-CR  
2023AP936-CR

2023AP1124-CR                      State v. Robinson  
[Justice J. Protasiewicz did not participate]

2023AP1436-CR                      State v. Bailey

2023AP2067	<u>State v. Matthews</u>
2024AP470-CR	<u>State v. Young</u>
2024AP875-W	<u>Anderson v. Noble</u> [Justice J. Protasiewicz did not participate]
2024AP1067	<u>State v. Q.D.R.</u>
2024AP1629-W	<u>Thomas v. Cahak</u>
2024AP2160-W	<u>Durley v. Mlodzik</u>
2025AP73-W	<u>Lloyd v. Ball</u> [Writ of Habeas Corpus]

**Outagamie County**

2023AP449	<u>State v. Dudas</u>
2023AP648	<u>Loki Fiontar, LLC v. DNR</u>
2023AP1397	<u>State v. Kupsky</u>
2023AP1979	<u>McCaigne v. Lawrence University</u>

**Ozaukee County**

2023AP930-CR	<u>State v. Perez</u>
2023AP2259	<u>Petitioner v. Jason Van Engel</u>

**Polk County**

2024AP823

St. Croix Coalition et al., v. Village of Osceola  
[Justices R. Bradley and R. Dallet dissent]

**Portage County**

2023AP1433

State v. Hyatt

**Racine County**

2023AP248

Mielcarek v. West

2023AP1532

State v. Loga-Negru

2024AP2344-W

Sanders v. Circuit Court for Racine County  
[Petition for Supervisory Writ]

**Rock County**

2023AP1258-CR

State v. White

2023AP1722-CR

State v. Williams

2023AP1848-CR

State v. Phiffer

2025AP14-W

Evans v. Fell  
[Writ of Habeas Corpus]

**Sheboygan County**

2023AP2352-CR

State v. VanBeek



**Walworth County**

2022AP986-CR	<u>State v. Grashel</u>
2023AP943	<u>Strauss v. DFI</u> [Justice R. Bradley dissents]
2023AP1991	<u>State v. Surles</u>
2023AP1997	<u>Braun v. Braun</u>

**Washington County**

2023AP1957-CR	<u>State v. Hessling</u>
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**Waukesha County**

2021AP1399-CR	<u>State v. Seaton</u> [Justice J. Protasiewicz did not participate]
2022AP924-CR 2022AP943-CR 2022AP1109	<u>State v. Crosby</u>
2024AP617-CR	<u>State v. Nelson</u>
2024AP1315	<u>Waukesha County v. M.D.S., Jr.</u>

**Waupaca County**

2023AP1142-CR	<u>State v. Garcia</u>
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2023AP1211

Ames v. Fleet Farm LLC

**Waushara County**

2023AP2171

Raveendran v. Airola

**Winnebago County**

2023AP1448-CR

State v. Fahley

2024AP688-W

Schmidt v. County of Winnebago

2024AP2301

Wendling v. Gibbs