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FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts four new cases

Madison, Wis. (Jan. 5, 2021) – The Wisconsin Supreme Court has voted to accept four new cases, and the Court acted to deny review in a number of other cases. 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](#).

2019AP882 City of Mayville v. State of Wisconsin DOA

Supreme Court case type: Petition for Review and Cross Petition for Review

Court of Appeals: District IV

Circuit Court: Dodge County, Judge Joseph G. Sciascia, affirmed.

Long caption: City of Mayville, Petitioner-Respondent v. State of Wisconsin Department of Administration, Respondent-Appellant-Petitioner, Village of Kekoskee, Respondent-Co-Appellant-Petitioner

Issues presented:

The DOA filed a petition for review raising these issues:

1. Did DOA validly approve a Wis. Stat. § 66.0307 cooperative plan that changed the boundary between two municipalities by entirely eliminating it?
2. Did Mayville have standing under ch. 227, Stats., to challenge DOA's approval of the plan?

The Village of Kekoskee filed a petition for review raising these issues:

1. Whether DOA properly approved the cooperative plan boundary agreement between the Village of Kekoskee and the Town of Williamstown pursuant to Wis. Stat. § 66.0307.
2. Whether Mayville had standing to challenge DOA's decision to approve the cooperative plan even though Mayville was neither a party to the cooperative plan nor a third-party beneficiary of it.

2019AP2061-CR

State v. Rotolo

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Winnebago County, Judge Barbara H. Key

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Brian Vincent Rotolo, Defendant-Appellant-Petitioner

Issue presented:

Does the Lonkoski¹ standard for whether an individual is "in custody" for purposes of Miranda² apply in all Fifth Amendment inquiries, or does a different test apply when the person is detained pursuant to a Terry³ stop?

2020AP616-CR

State v. Schmidt

Supreme Court case type: Bypass

Court of Appeals: District II

Circuit Court: Walworth County, Judge Philip A. Koss

Long caption: State of Wisconsin, Plaintiff-Respondent v. Anthony M. Schmidt, Defendant-Appellant

Issues presented:

1. Does Wis. Stat. § 973.042(1) (the child pornography surcharge statutes) permit the circuit court to impose a child pornography surcharge for an offense that is "read in" for sentencing purposes?
2. Is the child pornography surcharge a punishment that must be explained during a plea colloquy? If so, was Mr. Schmidt entitled to a hearing on his claim that the plea colloquy was deficient in this case?

2020AP2038

Trump v. Biden ([*Decision*](#) filed Dec. 14, 2020)

Supreme Court case type: Bypass

Court of Appeals: District I

Circuit Court: Milwaukee County, Reserve Judge Stephan A. Simanek

Long caption: Donald J. Trump, Michael R. Pence and Donald J. Trump for President, Inc., Plaintiffs-Appellants v. Joseph R. Biden, Kamala D. Harris, Milwaukee County Clerk c/o George L. Christenson, Milwaukee County Board of Canvassers c/o Tim Posnanski, Wisconsin Elections Commission, Ann S. Jacobs, Dane County Clerk c/o Scott McDonell and Dane County Board of Canvassers c/o Alan Arnsten, Defendants-Respondents

¹ State v. Lonkoski, 2013 WI 30, 346 Wis. 2d 523, 828 N.W.2d 552.

² Miranda v. Arizona, 384 U.S. 436 (1966).

³ Terry v. Ohio, 392 U.S. 1 (1968).

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:

Brown

19AP516-CR

State v. Johnson

Burnett

20AP2

Burnett County v. D.S.

Dane

19AP858-859-CR/
19AP870

State v. Ziegler

20AP1927-OA

Gymfinity v. Dane County

Justice Brian Hagedorn concurs; Chief Justice Patience Drake Roggensack, Justice Annette Kingsland Ziegler, and Justice Rebecca Grassl Bradley dissent.

20AP1930-OA

Wisconsin Voters Alliance v. WI Elections Commission

Justice Ann Walsh Bradley, Justice Rebecca Frank Dallet, Justice Brian Hagedorn, and Justice Jill J. Karofsky concur; Chief Justice Patience Drake Roggensack, Justice Annette Kingsland Ziegler, and Justice Rebecca Grassl Bradley dissent.

20AP1958-OA

Mueller v. Jacobs

Chief Justice Patience Drake Roggensack, Justice Annette Kingsland Ziegler, and Justice Rebecca Grassl Bradley dissent.

20AP1971-OA

Trump v. Evers

Justice Brian Hagedorn concurs; Chief Justice Patience Drake Roggensack, Justice Annette Kingsland Ziegler, and Justice Rebecca Grassl Bradley dissent.

Dodge

19AP804

State v. Douglas

Green

19AP2119-CR

State v. Leopold

Kenosha

19AP442

Peterson v. PDQ Food Stores, Inc.

La Crosse

19AP2174-CR

State v. Vaaler

Marinette

19AP1380-1381-CR

State v. Goldsmith

Milwaukee

16AP2048-CRNM

State v. Rogers

17AP2079-2080

State v. Thames

Justice Rebecca Frank Dallet did not participate.

19AP89-CR

State v. Woodson

19AP306-CR

State v. Ortega

19AP342-CR

State v. Westley

19AP1769-CR

State v. Fitzgerald

Rock

19AP355-CR

State v. Stanley

Shawano

20AP1435-W

Depaoli v. Jess

Sheboygan

19AP1091-CR

State v. Drunasky

Waukesha

19AP870

Mains v. Russ Darrow Group

Justice Annette Kingsland Ziegler did not participate.

Waushara

20AP1611-W

Schmidt v. Zuehlke

Winnebago

19AP2430-FT

Heaney v. Oshkosh Business Center