



Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts two new cases

Madison, Wis. (June 4, 2021) – The Wisconsin Supreme Court has voted to accept two 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](#).

2019AP2090

Bauer v. Wisconsin Energy Corp.

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Walworth County, Judge Daniel Steven Johnson, affirmed

Long caption: Claudia B. Bauer, individually and Claudia B. Bauer, as Trustee of the Claudia B. Bauer Revocable Trust 2010 Restatement, Plaintiffs-Appellants-Petitioners, v. Wisconsin Energy Corporation d/b/a WE Energies, Defendant-Respondent, Dean Gatziolis, individually, Susan W. Gatziolis, individually, Engerman Contracting, Inc., Dean Gatziolis, as Trustee of the Gatziolis Family Trust and Susan W. Gatziolis, as Trustee of the Gatziolis Family Trust, Defendants

Issues presented:

1. Has Wisconsin law on prescriptive easements eliminated entirely the longstanding common law requirement that a property owner have notice of a utility company's use of their land, in order for the utility company to lawfully acquire a prescriptive easement?
2. Can the continuous use requirement of Wis. Stat. § 893.28(2) be satisfied as a matter of law when a public utility substantially modifies its initial use of another's property?
3. Are the constitutional rights of a private landowner violated if a public utility company can exercise its prescriptive easement rights without providing any notice whatsoever to the property owner, and in doing so, avoid having to use its condemnation powers?

Supreme Court case type: Petition for Review

Court of Appeals: District III

Circuit Court: Marathon County, Judge Lamont K. Jacobson, reversed and remanded

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Nhia Lee, Defendant-Appellant-Petitioner

Issues presented:

1. Should circuit court courts be required to appoint attorneys when there are delays in securing SPD-appointed counsel for the defendant?
2. Was Lee's right to counsel denied?
3. Was Lee denied due process?
4. Was Lee's right to a speedy trial denied?
5. If the circuit court lost jurisdiction to determine probable cause at a preliminary hearing because the ten-day time limit under Wis. Stat. § 970.03(2) had expired by 104 days, what is the appropriate remedy?

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:

2019AP1-CR	<u>State v. Burkhart</u>
2019AP216-CR	<u>State v. Jackson</u>
2019AP630	<u>Jones v. Schwochert</u>
2019AP739	<u>Marathon Co. Child Support Agency v. Schultz</u>
2019AP1406	<u>State v. Ogren</u>
2019AP1447	<u>State v. Maday</u>
2019AP1667	<u>State v. Hudson</u>
2019AP1892-CR 2019AP1893-CR	<u>State v. Harris</u>
2019AP1916-CR	<u>State v. Coleman</u> (Justice Rebecca Frank Dallet did not participate)
2019AP2409	<u>State v. Crawford</u>
2020AP66-CR	<u>State v. Gaston</u>

2020AP157-CR	<u>State v. Hardy</u>
2020AP264-CRNM	<u>State v. Galvan</u>
2020AP297	<u>Buck v. Hayes</u>
2020AP892-CR	<u>State v. Nelson</u>
2019AP2067	<u>Gartner Properties, LLC v. Hudson Business Park, LLC</u>
2019AP2113-CR 2019AP2114-CR	<u>State v. Grant</u>
2020AP1042-CR	<u>State v. McDowell</u>
2020AP1331-W	<u>Stewart v. Circuit Court for Dane Co.</u>
2020AP1426	<u>Adams County v. D.R.D.</u>
2021AP34-OA	<u>Spangler v. Benzel</u>
2021AP209-W	<u>Hayes v. Cromwell</u>
2019AP390	<u>Jensen v. Village of Somers</u>
2019AP885-CR	<u>State v. Spaulding</u>
2019AP886-CR	<u>State v. Ozodi</u>
2019AP1597-CR	<u>State v. Ballentine</u>
2019AP1642-CR	<u>State v. King</u>
2019AP1975-CR	<u>State v. Etherly</u>
2020AP1151	<u>State v. J.T.</u>
2019AP251	<u>State v. Taylor</u>
2019AP617-CR	<u>State v. Yang</u>
2019AP756-CR	<u>State v. Montgomery</u>
2019AP816-CR	<u>State v. Tuinstra</u> (Justice Jill J. Karofsky did not participate)
2019AP839	<u>Rusk County v. A.A.</u> (Justice Ann Walsh Bradley and Justice Rebecca Frank Dallet dissent)
2019AP866	<u>State v. Young</u>
2019AP1125-CR	<u>State v. Smith</u>

2019AP1369-CR	<u>State v. Green</u>
2019AP1542-CR	<u>State v. Cadiz-Taylor</u>
2019AP1573-CR	<u>State v. Keller</u>
2019AP1742-CR	<u>State v. Tate</u>
2019AP1884-CR	<u>State v. Dunay</u>
2019AP2062-CRNM	<u>State v. Edwards</u>
2020AP733	<u>State v. Moore</u>
2020AP858	<u>Lakeland Area Property Owners Association v. Oneida County</u>
2020AP1171-FT	<u>Outagamie County v. R.W.</u>
2019AP1278-CR	<u>State v. Clark</u>
2020AP126-CRNM	<u>State v. Nadig</u>
2020AP788-W	<u>Priest v. Sankovitz</u>