



Supreme Court of Wisconsin

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Wisconsin Supreme Court accepts 8 cases at August 17 conference

Madison, Wisconsin (September 9, 2026) - The Wisconsin Supreme Court recently voted to accept eight cases, and the Court acted to deny review in a number of other cases at its August 17, 2026 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](#).

No. 2023AP1371-CR

State v. Joski

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Walworth County, Hon. Daniel S. Johnson, *reversed*.

Long caption: State of Wisconsin, Plaintiff-Appellant, v. Angela R. Joski, Defendant-Respondent-Petitioner.

Issue(s) presented:

1. Are statutory early-release mechanisms, including sentence adjustment under WIS. STAT. § 973.195 and the earned release program under WIS. STAT. § 302.05, available to individuals sentenced to a mandatory minimum term of initial confinement under WIS. STAT. § 346.65(2)(am)6?
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No. 2023AP1709

Appvion, Inc. Retirement Savings and Employee Stock Ownership Plan v.
PricewaterhouseCoopers LLP

Supreme Court case type: Petition for Review

Court of Appeals: District III

Circuit Court: Outagamie County, Hon. Tammy Jo Hock, *affirmed*.

Long caption: Appvion, Inc. Retirement Savings and Employee Stock Ownership Plan, by and through Grant Lyon, Plaintiff-Appellant-Petitioner, v. PricewaterhouseCoopers LLP, Defendant-Respondent, RSM US LLP, Defendant.

Issue(s) presented:

1. Is it reasonably foreseeable that the sole shareholder of an audited corporation will rely on unqualified audit opinion letters addressed to the shareholder, giving rise to claims for misrepresentation and professional negligence?
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No. 2024AP197

Continental Properties Company, Inc. v. Hiscox Insurance Company, Inc.

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Waukesha County, Hon. Michael J. Aprahamian, *affirmed*.

Long caption: Continental Properties Company, Inc., Continental 355 Fund LLC, Continental 342 Fund LLC, Continental 332 Fund LLC, Continental 347 Fund LLC, Continental 335 Fund LLC and Continental 326 Fund LLC, Continental 298 Fund LLC, Continental 235 Fund LLC, Plaintiffs-Appellants-Petitioners, v. Hiscox Insurance Company, Inc., Defendant-Respondent.

Issue(s) presented:

1. In the context of a standard employee theft policy, covering loss “resulting directly from theft . . . committed by an Employee,” what is the appropriate rule for determining whether the loss is on “resulting directly from” the employee’s theft?
2. In the context of a standard employee theft policy, does an insured employer suffer a “loss” when it pays on contracts tainted by a secret kickback arrangement and there was evidence such contract payments were excessive and used to fund those kickbacks?
3. Assuming the answer to Issue Two is yes, is the insurer entitled to apply restitutionary amounts recovered by the insured employer from the employee to defeat coverage for such loss, or must such amounts first make the insured “whole” for the entirety of the insured’s loss under the terms of the policy and *Rimes v. State Farm Mut. Auto Ins. Co.*, 106 Wis. 2d 263, 316 N.W.2d 348 (1982) before the insurer can assert any subrogation-based set-off right?

Annette K. Ziegler, J., did not participate.

No. 2024AP1635

State v. McAfee

Supreme Court case type: Petition for Review

Court of Appeals: District II

Circuit Court: Washington County, Hon. Michael S. Kenitz, *affirmed*.

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Ayanna Chuntel McAfee, Defendant-Appellant-Petitioner.

Issue(s) presented:

1. A police detective stopped Ms. McAfee’s car. He searched the car based only on the “distinct and unmistakable odor of marijuana” he detected coming from within. At the hearing on Ms. McAfee’s suppression motion, an expert testified that it is impossible to distinguish between the odor of illegal marijuana and the odor of CBD products that are now legal. The circuit court found this testimony credible and adopted it.

Was the odor the detective observed the unmistakable odor of controlled substance, such that it alone provided probable cause to search?

No. 2024AP1638

Wisconsin Realtors Association Inc. v. Polk County

Supreme Court case type: Petition for Review

Court of Appeals: District III

Circuit Court: Polk County, Hon. Daniel J. Tolan, *affirmed in part, reversed in part and cause remanded for further proceedings.*

Long caption: Wisconsin Realtors Association, Inc., Plaintiff-Appellant-Petitioner, v. Polk County, Defendant-Respondent.

Issue(s) presented:

1. Whether the [WRA] has associational standing to challenge certain county ordinances injurious to the alienability, marketability, and value of its members’ real estate in the county on behalf of its members with personal standing to bring such challenges.
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No. 2024AP1942-CR

State v. Melssen

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Lafayette County, Hon. R. Alan Bates, *pretrial order vacated and cause remanded with instructions.*

Long caption: State of Wisconsin, Plaintiff-Respondent-Petitioner, v. Emil L. Melssen, Defendant-Appellant.

Issue(s) presented:

1. Did the search warrant for Melssen’s cellphone violate the Fourth Amendment because it was insufficiently particular and overbroad?
 2. Did the search warrant state probable cause of drug-related activity?
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Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Dane County, Hon. Josann M. Reynolds, *reversed and cause remanded with directions.*

Long caption: State of Wisconsin, Plaintiff-Respondent-Petitioner, v. Desmond J. Wilhite, Defendant-Appellant.

Issue(s) presented:

1. Does every facial constitutional challenge to a statute always implicate a court's subject matter jurisdiction such that an appellant can never forfeit a facial constitutional challenge by failing to preserve it in the circuit court?
 2. Did Wilhite's noncompliance with section 971.17(7m)(a)'s requirements for preserving issues for appellate review deprive the court of appeals of competency to decide his facial constitutional challenge?
 3. Did Wilhite comply with requirements under the Uniform Declaratory Judgments Act (UDJA), Wis. Stat. § 806.04(11), that he serve notice of his facial challenge to a section 971.17(3)(e)'s constitutionality on the Attorney General and the Legislature?
 4. Did Wilhite prove beyond a reasonable doubt that section 971.17(3)(e) was facially unconstitutional because it authorized the circuit court to revoke his conditional release based on his violation of the conditions and rules of release without finding dangerousness?
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Supreme Court case type: Petition for Review

Court of Appeals: District III

Circuit Court: Brown County, Hon. John P. Zakowski, *reversed and cause remanded for further proceedings.*

Long caption: State of Wisconsin, Plaintiff-Appellant, v. Brian Tyrone Ricketts, Jr., Defendant-Respondent-Petitioner.

Issue(s) presented:

1. Under Wisconsin law, some persons charged with crimes of domestic abuse are eligible for an enhanced sentence when, among other factors, they have been "convicted on 2 or more separate occasions of a felony or a misdemeanor" for which a domestic abuse surcharge under Wis. Stat. § 973.055(1) applies.

Although the "separate occasions" language appears throughout the statutes, this Court has not relied on a uniform definition of that phrase; instead, the Court has reached diametrically opposed holdings depending on where in the code the language appears.

Is Mr. Ricketts correct that, for the domestic abuse repeater to apply, his qualifying convictions needed to stem from separate incidents?

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 County

2023AP991-CR	<u>State v. Kehoe</u>
2024AP1424-CR	<u>State v. Williams</u>
2024AP1982-CR	<u>State v. Coronado</u>
2025AP1532	<u>Brown County v. M.S.</u>
2025AP2250-CR	<u>State v. M.L.H.</u>
2025AP2660-OA	<u>Bridges v. Wisconsin Department of Justice</u> [Original Action]
2026AP176	<u>Brown County Health and Human Services v. J.L.</u>

Buffalo County

2023AP1877-CR	<u>State v. Bigger</u>
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Burnett County

2024AP2024	<u>Burnett County v. T.W.Z.</u>
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Calumet County

2024AP975-CR	<u>State v. Robinson</u>
2025AP896-W	<u>Martinez-Bedolla v. Chase</u>

Clark County

2024AP1232-CR State v. Koltis
[Justice C. Taylor did not participate]

Columbia County

2024AP1908 North v. Estate of William James North II

2025AP1972 Columbia County v. T.R.B.
[Justice C. Taylor did not participate]

Crawford County

2026AP76-W Dinwiddie v. Circuit Court for Crawford County
[Writ of Mandamus]

Dane County

2023AP392 State v. Guetzlaff

2023AP2230 Town of Christiana v. Public Service Commission of Wisconsin
[Justice C. Taylor did not participate]

2024AP162 Mabin v. Konkargaev

2024AP1167-CR State v. Grey
[Justice C. Taylor did not participate]

2024AP1220 Great Lakes Wildlife Alliance v. Wisconsin Natural Resources Board

2024AP1510 Baysal v. American Family Insurance Company

2024AP2053-CR State v. Richmond
[Justice C. Taylor did not participate]

2025AP136-CR State v. Baston

2025AP2689-W Walker v. Circuit Court for Dane County

2025AP2740-CRLV	<u>State v. Bernegger</u> [Justice C. Taylor did not participate]
2026AP292-W	<u>Griffin v. Buesgen</u> [Writ of Habeas Corpus]
2026AP1164-W	<u>Griffin v. Supreme Court of Wisconsin</u> [Writ of Mandamus]

Douglas County

2025AP2337-CRLV	<u>State v. Peterson</u>
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Dunn County

2023AP2083-CR	<u>State v. Appel</u>
2024AP56-CR	<u>State v. McCulloch</u>
2024AP223-CR	<u>State v. Miner</u>
2024AP644-CR	<u>State v. Bauer</u>
2024AP1012-CR	<u>State v. Sparby-Duncan</u>

Eau Claire County

2023AP1888-CR	<u>State v. Zimmerman</u>
2023AP1994-CR	<u>State v. Strasser</u>

Fond du Lac County

2023AP1546-CRNM	<u>State v. Gipson</u>
2023AP2142-CR	<u>State v. Gibson</u>
2024AP224-CR	<u>State v. Schumann</u>

2024AP1178-CR

State v. Watt

Jackson County

2025AP2866-W

Scott v. Diehn

[Justice C. Taylor did not participate]

2026AP585

Jackson County DHHS v. A.T.L.

Jefferson County

2024AP1703-CR

State v. McGowan

Juneau County

2024AP2287

State v. De La Rosa

Kenosha County

2020AP1866-CR

State v. Adams

2023AP2256-CR

State v. Fuller

2024AP674-CR

State v. Kirksey

2024AP997-CR

State v. Wilson

2025AP943-CR

State v. Shaw

2025AP2229

Fox v. Fox

2025AP2803

Winters v. Griffin

[Petition to Bypass]

La Crosse County

2025AP255

Berkley v. City of La Crosse

[Justice C. Taylor did not participate]

2025AP389-CR

State v. Dee

[Justice C. Taylor did not participate]

Lincoln County

2024AP1667

Kriete Truck Center Madison, Inc., v. Wickman

Manitowoc County

2025AP1179-CR

State v. Adams

2025AP1745-CR

2025AP1746-CR

2025AP1747-CR

2025AP1748-CR

2025AP1749-CR

2025AP1750-CR

State v. B.M.T.

Marathon County

2023AP650-CR

State v. Guy

2023AP1592-CR

2023AP1593-CR

State v. Waits

2023AP1747-CR

State v. Schaefer

2024AP972

State v. Degorski

2024AP2007-CR

State v. Sundermeyer

2025AP1596-W

Torgerson v. Mlodzik

Marinette County

2024AP412-CR

State v. Ursuelean

2025AP2696-W

Maas v. Circuit Court for Marinette County

Marquette County

2024AP930

Carlson v. Thome

[Justice C. Taylor did not participate]

2026AP400

2026AP401

2026AP402

Marquette County Department of Human Services v. B.L.J.

Milwaukee County

2022AP324

State v. Greer

[Justice J.C. Protasiewicz did not participate]

2022AP1671-CR

State v. Love

2023AP301

Milwaukee Police Association v. City of Milwaukee

2023AP362

State v. Shallcross

2023AP1300-CR

State v. McMath

2023AP1514-CRNM

State v. Harris

2023AP1782

State v. Liggins

2023AP1856-CR

State v. Jones

[Justice J.C. Protasiewicz did not participate]

2023AP1893-CR

State v. Bernard

2023AP2245-CR

State v. Smith

2023AP2290-CR

State v. Morris

2023AP2291

State v. Ferguson

[Justice J.C. Protasiewicz did not participate]

2024AP111-CR

State v. Carpenter

[Justice R.F. Dallet did not participate]

2024AP240-CR	<u>State v. Jackson</u>
2024AP306	<u>State v. Moffett</u>
2024AP430-CR	<u>State v. Ray</u>
2024AP476-CR	<u>State v. McCray</u>
2024AP705-CR	<u>State v. Pattillo</u>
2024AP803-CR	<u>State v. Satchell</u>
2024AP936	<u>State v. Rogers</u>
2024AP1034-CR	<u>State v. Towns</u> [Justice J.C. Protasiewicz did not participate]
2024AP1084-CR	<u>State v. Millner</u>
2024AP1445-CR	<u>State v. Bratcher</u> [Justice J.C. Protasiewicz did not participate]
2024AP1527	<u>Trandel v. LIRC</u>
2024AP1552-CR	<u>State v. Johnson</u>
2024AP1573	<u>State v. Jemison</u>
2024AP1687	<u>State v. Johnson</u> [Justice R.F. Dallet did not participate]
2024AP1718-CR	<u>State v. Martina</u>
2024AP1724	<u>State v. Mitchell</u>
2024AP1801-CR	<u>State v. Daniels</u>
2024AP1806-CR	<u>State v. Santiago</u> [Justice J.C. Protasiewicz did not participate]
2024AP2278	<u>State v. Wilson</u>
2024AP2289	<u>State v. Kendrick</u>
2024AP2308-CR	<u>State v. Moguel-Rosales</u>
2024AP2314-CR	<u>State v. Wilks</u>

2024AP2380-CR	<u>State v. Crosby</u>
2024AP2381-CR	
2024AP2407-CR	<u>State v. Mills</u>
2024AP2501	<u>State v. Thompson</u>
2025AP15-CR	<u>State v. Roy</u>
2025AP1378-W	<u>Olson v. Circuit Court for Milwaukee County</u>
2025AP2231-CR	<u>State v. L.M.P.</u>
2025AP2897-W	<u>Bach v. Circuit Court for Milwaukee County</u> [Supervisory Writ]
2025AP2633-W	<u>Malone v. Circuit Court for Milwaukee County</u>
2025AP2731	<u>State v. L.Z.</u>
2025AP2732	
2026AP469	
2026AP470	
2026AP471	
2026AP472	<u>State v. J.G. III</u>
2026AP473	
2026AP474	
2026AP843-W	<u>Singh v. Greenfield Municipal Court</u>
2026AP927-W	<u>Singh v. Greenfield Municipal Court</u> [Supervisory Writ]
2026XX333-CR	<u>State v. Ealy</u> [Justice J.C. Protasiewicz did not participate]

Monroe County

2026AP65	<u>Monroe County DHS v. A.S.</u>
2026AP66	[Justice C. Taylor did not participate]

Oneida County

2024AP2141-CR

State v. Hughes

Outagamie County

2023AP849

College Avenue BP, Inc. v. Arorora Investments

2024AP689-CRNM

State v. Schoch

2024AP2292

Lauer v. Lauer

2025AP163

2026AP1003-W

Zastrow v. WI Department of Corrections
[Supervisory Writ]

Ozaukee County

2023AP2387-CR

State v. Poniewaz

2024AP1044

Ozaukee County v. J.D.A.

2026AP377-W

Leventhal v. Circuit Court for Ozaukee County
[Supervisory Writ]

2026AP378-W

Leventhal v. Circuit Court for Ozaukee County
[Supervisory Writ]

2026AP658-W

Yang v. Muehlbauer
[Writ of Quo Warranto]

Pepin County

2025AP90

State v. K.R.C.

2025AP2864-LV

County of Pepin v. Price

Pierce County

2025AP2643

Pierce County Department of Human Services v. K.D.B.

Polk County

2025AP2514

JC Enterprises v. Kling

Portage County

2023AP2377-CR

State v. Barth

[Justice C. Taylor did not participate]

Price County

2024AP1617

Smith v. Wiskerchen

Racine County

2024AP142-CR

State v. Sanders

2024AP230-CR

State v. Willis

2024AP858

State v. Powell

2024AP1079-CR

State v. Pissard

2024AP1973-CR

State v. Klein

2024AP2077

Racine County Human Services Department v. K.M.

2024AP2481-CR

State v. Mire

2025AP35

State v. Kosterman

2025AP661-CR

State v. Shareef

2026AP251-W	<u>Vaughn v. Laufenberg</u>
2026AP252-W	[Supervisory Writ]
2025AP1907	<u>State v. A.A.</u>
2026AP1025-W	<u>Loga-Negru v. Gasiorkiewicz</u>
	[Writ of Prohibition]
2026AP1274-W	<u>White v. Circuit Court for Racine County</u>
	[Supervisory Writ]
2026AP1425-W	<u>White v. Stoudt</u>
	[Writ of Habeas Corpus]
2026AP1657-W	<u>White v. State Public Defender</u>
	[Writ of Mandamus]
2026AP1658-W	<u>White v. Kaul</u>
	[Writ of Quo Warranto]
2026AP1659-W	<u>White v. Racine County</u>
	[Writ of Quo Warranto]

Rock County

2024AP727-CR	<u>State v. Kiser</u>
	[Justice C. Taylor did not participate]
2024AP2029	<u>State v. Hill</u>
	[Justice C. Taylor did not participate]
2024AP2096	<u>State v. Warren</u>
2024AP2526	<u>Boquist v. Ballmer</u>
2025AP1185-CR	<u>State v. Rogers</u>
	[Justice C. Taylor did not participate]
2025AP1981	
2025AP1982	
2025AP1983	
2025AP1984	<u>Educators Credit Union v. Sloniker</u>
2025AP1985	[Justice C. Taylor did not participate]
2025AP1986	
2025AP1987	
2025AP1988	

Sauk County

2025AP944

Cady v. O'Malley
[Justice C. Taylor did not participate]

Sheboygan County

2023AP1493-CR

State v. Medina

2023AP2237-CR

State v. Luther

2023AP2247

Stirdivant v. American Family Life Insurance Company

2024AP1134-CR

State v. Suscha

2024AP1754-CR

State v. Ramirez

2026AP810-W

Gillette v. Bastil
[Supervisory Writ]

St. Croix County

2024AP561-CR

State v. Helmueller

Vernon County

2025AP184-CR

State v. Rogers

Walworth County

2024AP2028

V.K. v. D.J.F.

2024AP2538-CR

State v. Patrick-Yance

Waukesha County

2023AP1485-CR	<u>State v. Bailey</u>
2023AP2037-CR	<u>State v. Zimmerman</u>
2023AP2161-CR	<u>State v. Stolpa</u>
2023AP2283	<u>DNF Associates, LLC v. Wittmann</u>
2024AP618-CR	<u>State v. Feciskonin</u>
2024AP619-CR	
2024AP663-CR	<u>State v. Miller</u>
2024AP952-CR	<u>State v. Diaz</u>
2024AP1405	<u>State v. Morgan</u>
2024AP1406	
2024AP1612-CR	<u>State v. Hill</u>
2024AP2184	<u>Green v. City of Waukesha</u>
2024AP2239	<u>State v. Smart</u>
2024AP2535	<u>Waukesha County v. J.A.K.</u>
2024AP2543-CR	<u>State v. Grant</u>
2025AP1805-CRNM	<u>State v. Spates</u>
2026AP212-W	<u>Hohol v. Circuit Court for Washington County</u> [Supervisory Writ]

Waupaca County

2023AP1069	<u>State v. Martin</u> [Justice C. Taylor did not participate]
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Waushara County

2023AP986	<u>Galloway v. Schiewe</u>
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2023AP2273

2024AP2255

V.A. House N3595, LLC v. KT Hay LLC

[Justice C. Taylor did not participate]

Winnebago County

2024AP1096-CR

State v. Aide

2024AP2022-CR

State v. Bohn

2025AP1695-W

MacMillan v. Circuit Court for Winnebago County

2025AP2645-FT

Winnebago County v. L.J.F.G.

2026AP589

State v. Williams

[Petition to Bypass]

Wood County

2024AP567

Birge v. Simplicity Credit Union

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