



attempted end-run around established criminal procedures to raise challenges based upon the constitutional right to counsel, whether in a pending criminal proceeding or post-conviction. Plaintiffs' approach would impermissibly sidestep the required criminal procedure to raise such claims and would ignore the circumstances of each case.

Further, the Court lacks the authority to order the requested relief. Specifically, Plaintiffs request that their criminal cases pending in *other* circuit courts be dismissed by order of *this* Court. It is black-letter law that one circuit court cannot enjoin another circuit court from exercising jurisdiction, and Plaintiffs' request for dismissal of their criminal cases can be addressed only by the judges in the criminal cases or on post-conviction review.

Lastly, Plaintiffs' allegations against Governor Evers fail to state a viable claim because the Governor has nothing to do with when or how qualified indigent defendants receive appointed counsel.

This Court should dismiss the complaint with prejudice.

## BACKGROUND

### **I. The Office of the Wisconsin State Public Defender provides representation to indigent criminal defendants.**

SPD is a statewide, independent, executive agency that provides representation to indigent criminal defendants in two ways. First, some indigent defendants receive representation from staff counsel employed by SPD. Wis. Stat. §§ 977.05(4)(i), 977.08(3)(d). Second, SPD delegates the representation of some indigent defendants to private members of the State Bar of Wisconsin. Wis. Stat. § 977.05(5)(a).

Delegated representation typically occurs when SPD staff attorneys have a conflict of interest (which often occurs in multi-defendant cases) or resource constraints. *See* SPD Facts-At-A-Glance, Wis. State Pub. Defenders, <http://www.wisspd.gov/facts-at-a-glance> (last visited Oct. 7, 2022) (“Facts-At-A-Glance”). During fiscal year 2018, around 40% of statewide indigent defense cases were assigned to SPD-appointed private counsel. Facts-At-A-Glance.

To find private counsel for indigent defendants, SPD first asks attorneys in each Wisconsin county to sign up on a list of attorneys willing to represent indigent defendants. Wis. Stat. § 977.08(2). When SPD needs to find a private attorney to represent an indigent defendant, it typically contacts private attorneys on this list. Wis. Stat. § 977.08(3)(c). SPD can also appoint a private attorney who previously represented the defendant. Wis. Stat. § 977.08(3)(e).

When SPD finds a private attorney willing to serve as counsel, the attorney's compensation rate is fixed by statute. Wisconsin Stat. § 977.08(4m)(d) currently provides that the private attorney shall be paid \$70 per hour for time spent on the case (excluding travel). Private appointments can also be paid through fixed-fee contracts, Wis. Stat. § 977.08(3)(f), and in fiscal year 2018, around 3% of all private appointments were paid using such contracts. Facts-At-A-Glance.

It takes effort and time to locate private counsel willing to accept representation of an indigent defendant. In some remote counties such as Ashland, Bayfield, and Iron, SPD has needed to contact an average of 39 attorneys, taking an average of 24 days, to find a private attorney willing to accept an appointment. Letter from Kelli S. Thompson to Clerk of the Supreme Court Sheila Reiff, at 4 (May 1, 2018), <https://wicourts.gov/supreme/docs/1706commentsthompson.pdf> (last visited Oct. 7, 2022). SPD has tried to accelerate the process by reassigning SPD-employed staff attorneys and support staff from other areas to regions of heightened need and offering free training to private attorneys who accept appointments. *Id.*

When SPD has difficulty finding private attorneys willing to represent an indigent defendant, the trial court has inherent authority to appoint counsel. *See State v. Lehman*, 137 Wis. 2d 65, 68, 403 N.W.2d 438, 440 (1987). Court-appointed counsel can be compensated at a different rate than the

statutory rate for SPD-appointed private counsel. *See State ex rel. Friedrich v. Cir. Ct. for Dane Cnty.*, 192 Wis. 2d 1, 531 N.W.2d 32 (1995). Counties, not SPD or any other state-level entity, are obligated to pay court-appointed counsel. *See Carpenter v. County of Dane*, 9 Wis. 274 (1859).

## **II. Background facts relating to Plaintiffs and assignment of counsel for them**

According to the complaint, Plaintiffs are eight Wisconsin residents who “have all been charged with crimes punishable by terms of imprisonments [sic] and, despite qualifying for state-appointed counsel, have not received appointed attorneys for more than fourteen days after their initial appearances.” (R. 12:18 ¶ 68.) Plaintiffs allege facts regarding when their initial appearances were scheduled and rescheduled and whether they were in custody while awaiting appointed counsel. (R. 12:4–6 ¶¶ 14–21.)

As of today’s filing, and as a matter of public record, each Plaintiff has received appointed counsel in his or her criminal case. The following table includes information from CCAP, which this Court can take judicial notice of pursuant to Wis. Stat. § 902.01. *Kirk v. Credit Acceptance Corp.*, 2013 WI App 32, ¶ 5 n.1, 346 Wis. 2d 635, 829 N.W.2d 522.

<b>Plaintiff</b>	<b>Case Numbers (County)</b>	<b>Counsel appointments</b>
Antrell Thomas	18CF271, 19CF375, 21CF645 (La Crosse)	Sept. 8 & 9, 2022, appointment orders
Melvin Clemons	22CF541 (Brown)	Sept. 7, 2022, appointment order
Christian Pittman	22CF890 (Brown)	Sept. 7, 2022, appointment order
Chance Kratochvil	22CF81 (Langlade)	Sept. 27, 2022, appointment order
Kelsie McGeshick	22CM78, 22CM88 (Forest)	Sept. 14, 2022, appointment order
Logan Arsenyevictz	22CF252 (Sheboygan)	Aug. 24, 2022, appointment order. On August 31, 2022, defense counsel appeared at a preliminary hearing and successfully moved to dismiss the case.
Jerome Brost	22CF392 (Sheboygan)	Sept. 1, 2022, appointment order (by the circuit court)
Dwight Moore	22CF803 (Milwaukee)	Aug. 22, 2022, appointment order. Counsel was appointed <i>before</i> this case was filed on August 23, 2022. (R. 12.)

A copy of the appointment orders in Plaintiffs' criminal cases are filed as Exhibit A to Defendants' motion to dismiss for the Court's convenience.

## LEGAL STANDARD

“Wisconsin Stat. § 802.02(1) sets the requirements for a complaint if it is to withstand a motion to dismiss for failure to state a claim.” *Data Key Partners v. Permira Advisers, LLC*, 2014 WI 86, ¶ 20, 356 Wis. 2d 665, 849 N.W.2d 693. Section 802.02(1)(a) requires that a pleading “shall contain,” among other things, “[a] short and plain statement of the claim, identifying the transaction or occurrence or series of transactions or occurrences out of which the claim arises and showing that the pleader is entitled to relief.”

“[T]o satisfy Wis. Stat. § 802.02(1)(a), a complaint must plead facts, which if true, would entitle the plaintiff to relief.” *Id.* ¶ 21. “[T]he sufficiency of a complaint depends on substantive law that underlies the claim made because it is the substantive law that drives what facts must be pled.” *Id.* ¶ 31. To withstand a motion to dismiss, “[p]laintiffs must allege facts that plausibly suggest they are entitled to relief.” *Id.* In determining the sufficiency of a complaint, a court will “assume the facts set forth in the complaint are true and consider only the facts set forth therein.” *Peterson v. Volkswagen of Am., Inc.*, 2005 WI 61, ¶ 15, 281 Wis. 2d 39, 697 N.W.2d 61. The court does not accept legal conclusions as true. *Data Key Partners*, 356 Wis. 2d 665, ¶ 19.

## ARGUMENT

Plaintiffs contend that “Defendants have failed to timely appoint counsel on behalf of Plaintiffs and the [putative] class.” (R. 12:17.) Relying on the Sixth and Fourteenth Amendments to the U.S. Constitution and article I, section 7 of the Wisconsin Constitution, (R. 12:21–23), they claim that “[t]he Wisconsin Supreme Court has indicated that a delay of greater than 14 days is unreasonable” and has critiqued similar-length delays (R. 12:17 ¶¶ 63–66). They further allege that “Defendants have persistently failed to meet this obligation [to appoint counsel], and it [sic] will continue to do so unless this Court grants the relief requested by Plaintiffs.” (R. 12:18 ¶ 67.) Plaintiffs alleged that their “circumstances are typical of experiences of thousands of indigent defendants across the state,” (R. 12:18 ¶ 69); therefore, their “action is properly maintainable as a class action” (R. 12:18 ¶ 74). Their putative class action allegedly satisfies Wis. Stat. § 803.08. (R. 12:19–20 ¶¶ 75–79.)<sup>1</sup>

The complaint does not “plead facts, which if true, would entitle the plaintiff[s] to relief.” *Data Key Partners*, 356 Wis. 2d 665, ¶ 21. There are several independent reasons this Court should dismiss the complaint under Wis. Stat. § 802.06(2).

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<sup>1</sup> Plaintiffs propose a class action. This Court need not take up any class-certification issues because the case should be dismissed on the pleadings.



First, Plaintiffs' claims are moot since they now have appointed counsel. Second, there is no constitutional right to receive court-appointed counsel within two weeks after an initial appearance—no court has recognized such a categorical right, and it must be a fact-specific inquiry in each individual case. Third, Plaintiffs are using an inappropriate procedural vehicle—a civil action for declaratory and injunctive relief—to raise constitutional claims that must be raised in criminal courts or post-conviction. Fourth, Plaintiffs request relief that this Court has no authority to grant: ordering the dismissal of their criminal cases pending before *other* circuit courts. Lastly, Governor Evers should be dismissed because he has no role whatsoever in SPD's counsel appointments.

**I. Plaintiffs' claims are moot.**

**A. A case is moot when the resolution of an issue will have no practical effect on the underlying controversy.**

The mootness doctrine is based on the general rule that “court[s] will not determine abstract principles of law.” *City of Racine v. J-T Enters. of Am., Inc.*, 64 Wis. 2d 691, 699, 221 N.W.2d 869 (1974). The U.S. Supreme Court has described mootness as “the doctrine of standing set in a time frame: The requisite personal interest that must exist at the commencement of the litigation (standing) must continue throughout its existence (mootness).” *U.S. Parole Comm'n v. Geraghty*, 445 U.S. 388, 397 (1980) (citation omitted).

“A case is moot when the resolution of an issue will have no practical effect on the underlying controversy.” *Sauk County v. S. A. M.*, 2022 WI 46, ¶ 19, 402 Wis. 2d 379, 975 N.W.2d 162; *see also J-T Enters. of Am.*, 64 Wis. 2d at 700–02. “[A] moot question is one which circumstances have rendered purely academic.” *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶ 3, 233 Wis. 2d 685, 608 N.W.2d 425. The Wisconsin Supreme Court has explained that “[m]oot cases will be decided on the merits only in the most exceptional and compelling circumstances.” *J-T Enters. of Am.*, 64 Wis. 2d at 702.

**B. Plaintiffs’ claims are moot because they have appointed counsel in their criminal cases.**

Plaintiffs’ claims are moot because they have appointed counsel in their criminal cases. As Exhibit A demonstrates, the appointments occurred before or shortly after Plaintiffs filed their complaint.

Plaintiffs’ receipt of appointed counsel makes this Court’s resolution of their claims moot because resolving them “will have no practical effect on the underlying controversy.” *S. A. M.*, 402 Wis. 2d 379, ¶ 22. There is *no* underlying controversy, making a declaration meaningless and leaving nothing for this Court to enjoin. Wis. Stat. § 806.04(6) (declaratory relief is discretionary, and a “court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding”).

**II. Courts evaluate whether a delay violates a defendant's constitutional or statutory rights based on the facts of the individual case, and there is no constitutional right to receive appointed counsel within two weeks after an initial appearance.**

Aside from mootness, Plaintiffs' claims fail as a matter of law. Plaintiffs allege Defendants violated Plaintiffs' rights when more than 14 days elapsed since their initial appearances. (R. 12:22–23 ¶¶ 89–91, 95–97; 12:2 ¶ 5 (“Wisconsin consistently takes longer than 14 days to provide counsel to indigent defendants.”).) But there is no constitutional right to receive appointed counsel within two weeks after an initial appearance; the inquiry depends upon the facts of each case.

The complaint references Wisconsin Supreme Court cases that purportedly establish the specific right to counsel that Plaintiffs allege is being violated. (R. 12:17 ¶¶ 63–66; *see also* 12:2 ¶ 4 n.7.) These cases do no such thing.

*Wolke v. Rudd* reversed a circuit court's order granting a habeas petition when an indigent defendant was not appointed counsel until 11 days after his initial appearance. 32 Wis. 2d 516, 517–19, 522, 145 N.W.2d 786 (1966). The defendant testified that “had counsel been appointed immediately, he would have been able to remember facts that he now claims he has forgotten.” *Id.* at 519. The supreme court found no constitutional violation, *id.* at 521–22, and

noted that “such delay [in appointing counsel] is regrettable and should be avoided in a properly administered system of justice.” *Id.* at 520.

In *Jones v. State*, 37 Wis. 2d 56, 154 N.W.2d 278 (1967), the court considered whether “a twenty-eight-day interval between arrest and advising a defendant of his right to counsel, and an additional four-day delay in appointing counsel, offend[ed] the due process clause of the fourteenth amendment.” *Id.* at 62. The court again found no constitutional violation. *Id.* at 66–69. The court held that there was a lack of compliance with Wis. Stat. § 957.26(2), “requiring that counsel actually be appointed ‘prior to any plea and prior to any preliminary examination,’” *id.* at 68, but that it did not necessitate reversal of the conviction. *Id.* at 68–69. The court called the delay in appointing counsel “regrettable” and noted that “these delays should be minimized in our criminal justice system.” *Id.* at 69.

In *Kaczmarek v. State*, 38 Wis. 2d 71, 76, 84, 155 N.W.2d 813 (1968), the supreme court again declined to find a constitutional violation based on delay in appointing counsel. Kaczmarek made an initial appearance on the day after his arrest, and the circuit court appointed counsel 11 days later, at his arraignment. *Id.* at 74–75. The supreme court noted that the delays in appointing counsel in *Wolke* and *Jones* had not violated the accused’s constitutional rights. *Id.* at 79. While the court called the delay between the prompt transference of the case to the circuit court and the actual appointment

of counsel “troublesome,” it did not make its determination based on the length of delay. Instead, it examined whether the delay prejudiced Kaczmarek’s interests based on the facts at hand and concluded that he had not even alleged such prejudice: “In the light of his subsequent plea of guilty, it would be difficult to see what such reason could be. In any event there is no claim of causal connection between the ten-day delay and the plea of guilty.” *Id.* at 79.

In *Okrasinski v. State*, 51 Wis. 2d 210, 212–15, 219, 186 N.W.2d 314 (1971), the supreme court similarly held that a failure to appoint counsel was subject to a harmless-error analysis. Okrasinski was not appointed counsel at his initial appearance, but the court gave him the opportunity to be heard on all motions he asserted, and his counsel had almost one month after appointment to prepare for trial. *Id.* at 215. The court explained that the statutory mandate under Wis. Stat. § 970.02(6) that appointment of counsel for an indigent take place at the initial appearance “will be considered harmless error unless there is evidence that the defendant was prejudiced by failure to appoint counsel.” *Id.* at 214.

The federal precedent Plaintiffs reference also does not help them. (R. 12:2, 10 ¶¶ 2, 38 & nn.4, 20; *see also* 12:11, 17, 21–23 ¶¶ 40, 62, 87, 89, 93, 95.) *Rothgery v. Gillespie County*, 554 U.S. 191 (2008), holds that “counsel must be appointed *within a reasonable time* after attachment to allow for adequate representation at any critical stage before trial, as well as at trial itself.” *Id.* at

212. The case does not create a per se rule that counsel must be appointed within two weeks after the initial appearance. In other contexts, “reasonableness” is “a fact-intensive inquiry, measured in objective terms, by examining the totality of the circumstances.” *State v. Crone*, 2021 WI App 29, ¶ 14, 398 Wis. 2d 244, 961 N.W.2d 97 (evaluating the reasonableness of a Fourth Amendment detention). Plaintiffs’ claims would throw that particularized inquiry out the window.

In addition to the cases referenced by Plaintiffs’ complaint, a more recent case, *State v. Lee*, 2021 WI App 12, 396 Wis. 2d 136, 955 N.W.2d 424, confirms that claims based on alleged delays in appointment of counsel require a fact-specific inquiry. The defendant in *Lee* alleged that the circuit court had failed to properly exercise its discretion under Wis. Stat. § 970.03(2), which generally requires that a preliminary hearing be held within ten days of a defendant’s initial appearance if the defendant is in custody on a felony charge and bail is set in excess of \$500, but gives the court discretion to find “cause” to delay a preliminary hearing to a later date. 396 Wis. 2d 136, ¶¶ 1, 25. Lee had been held in custody for 101 days without counsel while SPD searched for an attorney willing and able to represent him. His preliminary hearing, repeatedly extended while the search for counsel continued, occurred 113 days after his initial appearance. *Id.* ¶ 1. SPD made over 100 contacts with attorneys before securing an appointment for Lee. *Id.* ¶¶ 13, 52.

Lee's appointed counsel ultimately unsuccessfully moved to dismiss the criminal complaint. *Id.* ¶ 18. On appeal, the court of appeals addressed what constitutes "cause" under Wis. Stat. § 970.03 to extend the time limit for a preliminary examination. The court agreed with Lee that the circuit court had failed to properly exercise its discretion in applying that statute. *Id.* ¶ 51. The court noted that "[c]ertainly, difficulty in locating competent counsel to represent an indigent defendant can be a justifiable reason for extending the time limit for the preliminary hearing, especially early in the proceedings." *Id.* But the court required more explanation for the exercise of discretion—the facts mattered. Specifically, "[t]here was no inquiry, however, regarding the reasons that more than 100 attorneys had declined representation." *Id.* ¶ 52. "Those reasons are important when determining whether there was good cause to extend the time limit for holding the preliminary hearing." *Id.* The court catalogued case-specific circumstances that a court should consider in deciding whether to sua sponte delay a preliminary examination under Wis. Stat. § 970.03(2), including:

- "There may be a general or geographic lack of attorneys qualified to accept an appointment for a particular type of case";
- "[A]ttorneys may have conflicts of interest that preclude them from representing a particular defendant";
- "An attorney's existing caseload may also prevent him or her from taking on another client";

- “[A]ttorneys may not be willing to represent clients at the statutory SPD rate”;
- “[T]he nature of the charges against the defendant, the extent of SPD’s efforts to locate counsel, the reasons for the delay in obtaining counsel, and how long that delay is likely to continue given the other circumstances”;
- “[A]lternate avenues of procuring counsel, like court appointment”;
- “[T]he special circumstances of the defendant and whether the purpose of the preliminary hearing will be thwarted by the delay”;
- Whether the defendant is “subject to an extended supervision hold” that could cause him to remain in custody “regardless of whether the preliminary hearing was delayed”;
- “The overall length of the delay”; and
- “[T]he potential for prejudice to the defendant arising out of an extension of the deadline for holding a preliminary hearing,” such as “the potential that the defendant will be subjected to further evidence gathering by the police while incarcerated and the possibility that the delay could compromise the defense r result in lost evidence, to the defendant’s detriment.”

*Lee*, 396 Wis. 2d 424, ¶¶ 53–58.

Thus, whether considering a claim relating to delay of appointment under either the constitution or Wisconsin statutes, courts have declined to create a categorical rule and instead considered the facts and circumstances of each case. Plaintiffs’ desire for a categorical rule runs against longstanding Wisconsin case law. Their complaint thus fails to state a claim “upon which relief can be granted” as a matter of law. Wis. Stat. § 802.06(2)(a)6.



**III. Plaintiffs are attempting an end-run around established criminal procedures to raise right-to-counsel claims.**

Plaintiffs' claims also fail because they are using an inappropriate procedural vehicle. Established procedures in criminal cases provide the mechanism to raise challenges based upon the constitutional right to counsel. Plaintiffs' approach would act as an end run around those procedures and necessarily ignore the circumstances of each case.

Plaintiffs' criminal proceedings provide an adequate and proper remedy for their claims, a fatal weakness in their request for injunctive and declaratory relief in this civil action. For an injunction to issue, the movant must have no adequate remedy at law. *Sunnyside Feed Co. v. City of Portage*, 222 Wis. 2d 461, 472, 588 N.W.2d 278 (Ct. App. 1998). That rule carries extra force here because Plaintiffs seek to comingle civil and criminal matters. Because they have remedies in *criminal* court, this parallel civil case is not the proper forum for such claims. To hold otherwise would allow civil courts to usurp the role of criminal courts by either supervising ongoing criminal proceedings or by short-circuiting the accepted methods for a defendant to challenge criminal proceedings.

Wisconsin has robust criminal procedures for criminal defendants to assert constitutional violations and to appeal circuit court denials of constitutional challenges, along with collateral civil procedures to do the same.

Wis. Stat. § 808.03 (right to seek a permissive appeal); Wis. Stat. §§ (Rule) 809.30(2), 974.02 (right of direct appeal or motion for postconviction relief); Wis. Stat. § 974.06 (civil process to raise constitutional or jurisdictional challenges after the expiration of a criminal appeal). In addition, as addressed in *Lee*, a court has discretion to extend the time in which a preliminary examination must be commenced under Wis. Stat. § 970.03(2) if cause is shown. 396 Wis. 2d 136, ¶¶ 51–59. “Certainly, difficulty in locating competent counsel to represent an indigent defendant can be a justifiable reason for extending the time limit for the preliminary hearing, especially early in the proceedings.” *Id.* ¶ 51.

Aside from the adequate remedies available through their criminal and postconviction proceedings, Plaintiffs’ effort to detour to a civil action also would forgo having the court with the factual knowledge about those proceedings review whether any of their rights were violated. Plaintiffs’ constitutional claims would turn on whether they have been denied counsel at “critical stages” of the case—i.e., a proceeding at which “the presence of . . . counsel is necessary to preserve the defendant’s . . . right meaningfully to cross-examine the witnesses against him and to have effective assistance of counsel at the trial itself.” *McMillian v. State*, 83 Wis. 2d 239, 244, 265 N.W.2d 553 (1978) (citation omitted). Like Sixth Amendment ineffective assistance of counsel claims, which must first be litigated in a postconviction evidentiary

proceeding in criminal-court, *State v. Sholar*, 2018 WI 53, ¶ 50, 381 Wis. 2d 560, 912 N.W.2d 89 (citing *State v. Machner*, 92 Wis. 2d 979, 804, 285 N.W.2d 905 (Ct. App. 1979)), here the criminal courts in Plaintiffs' cases are best positioned to analyze the facts of each case.

Many practical difficulties would arise if criminal defendants could use parallel civil cases like this one to challenge things that happen in their criminal proceedings. Contested fact questions would arise regarding the quality of Plaintiffs' representation and the reasons their criminal trials were delayed. That would inevitably require discovery, likely including depositions of both Plaintiffs and their defense counsel focused on the criminal proceedings, covering topics like counsel's strategic decisions and the underlying facts of the criminal charges. Civil discovery of that nature could not help but interfere with the criminal proceeding.

#### **IV. This Court lacks authority to order the dismissal of criminal cases pending before other circuit courts.**

Fourth, this Court lacks authority to order the requested relief: dismissal of Plaintiffs' criminal cases. (R. 12:23 ¶ e.) It is black letter law that one circuit court cannot enjoin another circuit court from exercising jurisdiction.

“[I]t has been repeatedly held, in effect, that a judgment or order of one circuit court will not be set aside nor restrained by another circuit court of coordinate jurisdiction upon a suit subsequently commenced therein.” *Salter v.*

*Cook*, 131 Wis. 20, 23, 110 N.W. 823 (1907). A review and reversal by one circuit court to the judgment of another circuit court would be a “marvel in the law.” *Parish v. Marvin*, 15 Wis. 247, 249 (1862). “Such interference by one circuit court with the judgment and exercise of power by another circuit court cannot be approved.” *Kusick v. Kusick*, 243 Wis. 135, 138, 9 N.W.2d 607 (1943). The public policy behind this rule is “to ‘avoid conflicts and chaos in the work of independent courts and . . . promote the orderly administration of laws.’” *State ex rel. Bohren v. Cir. Ct. for Milwaukee Cnty.*, 192 Wis. 2d 407, 423, 532 N.W.2d 135 (Ct. App. 1995) (citation omitted).

Thus, it is “the general rule in this state that a court should decline to exercise jurisdiction of an independent cause of action to restrain enforcement of a judgment, rendered in another action in the same or a different court,” when “it is claimed that the manner of contemplated enforcement is improper or that enforcement will be inequitable because of circumstances arising after the judgment.” *Ada Enters., Inc. v. Thompson*, 26 Wis. 2d 269, 273, 132 N.W.2d 244 (1965). “The appropriate remedy in such case is an application after judgment in the action in which the judgment was rendered.” *Id.*

Here, Plaintiffs ask this Court to order judges in other counties (and other branches of this circuit court) to dismiss pending criminal cases. (R. 12:23 ¶ e.) Their claims fail because only those individual judges can order that relief.

This Court lacks authority to enjoin the criminal jurisdiction of another court, which would create mass confusion for judges, defendants, and the prosecutors.

Lastly, Plaintiffs are asking for additional relief that would be redundant with SPD's statutory appointment obligations under chapter 977 and that is out of touch with the reality that SPD is *continuously* undertaking exhaustive efforts to recruit appointed counsel for indigent criminal defendants statewide. Specifically, Plaintiffs request "an injunction that requires Defendants to immediately appoint counsel to all class members." (R. 12:23 ¶ d.) As *Lee* exemplifies, SPD sometimes must make *hundreds* of contacts to secure appointed counsel *for a single defendant*. See 396 Wis. 2d 136, ¶¶ 13, 52; see also (R. 12:13–14 ¶ 51 (alleging that some complex felonies require 250 to 300 contacts to make an appointment)). Not only is Plaintiffs' requested relief unnecessary considering that SPD is statutorily obligated to make appointments, but it ignores reality: SPD has made Herculean efforts to appoint counsel but must reckon with factors it cannot control, like the COVID-19 pandemic and the appointed-counsel hourly rate set by the Legislature. (See, e.g., R. 12:3, 13, 16, 19 ¶¶ 7, 49, 58–60, 75.)

In sum, this Court lacks authority to grant the requested relief. Therefore, Plaintiffs fail to state a claim "upon which relief can be granted," and their case should be dismissed. Wis. Stat. § 802.06(2)(a)6.

**V. Governor Evers has no role in appointing counsel to indigent criminal defendants, so he should be dismissed.**

Finally, Plaintiffs' allegations against Governor Evers fail to state a viable claim because he has nothing to do with when or how qualified indigent defendants receive appointed counsel. The complaint does not "plausibly suggest [Plaintiffs] are entitled to relief" against the Governor. *Data Key Partners*, 356 Wis. 2d 665, ¶ 31.

The State has not waived sovereign immunity for declaratory judgment actions except for "suits to enjoin state officers and state agencies from acting beyond their constitutional or jurisdictional authority." *PRN Assocs. LLC v. DOA*, 2009 WI 53, ¶ 45, 317 Wis. 2d 656, 766 N.W.2d 559 (citation omitted). Similarly, sovereign immunity applies to federal claims except where the court "commands a state official to do nothing more than refrain from violating federal law." *Va. Off. for Prot. & Advoc. v. Stewart*, 563 U.S. 247, 255 (2011). Here, the Governor has no role in appointing counsel to criminal defendants and therefore there is no plausible allegation that he is acting beyond his authority.

The complaint alleges the following specific to the Governor:

22. Defendant Anthony S. Evers is the Governor of Wisconsin. He is sued in his official capacity. Under Article V, Section I of Wisconsin Constitution, the State of Wisconsin's executive power, in other words, the authority and obligation to enforce the law, is vested in the Governor. Accordingly, Defendant Evers is ultimately responsible for executing the State of Wisconsin's Constitutional obligations.

.....

41. Under Wisconsin law, the Governor and the SPD are jointly responsible for fulfilling the State of Wisconsin's constitutional obligation to appoint attorneys on behalf of qualified indigent defendants.

42. The Governor is ultimately responsible for ensuring that the State of Wisconsin carries out its constitutional duties. Article 5, Section I of the Wisconsin Constitution provides that the "executive power" of the State of Wisconsin "shall be vested in a governor." As the Wisconsin Supreme Court has explained, "[e]xecutive power is power to execute or enforce the law . . ." In exercising this power, the Governor "shall take care that the laws be faithfully executed."

(R. 12:6, 11 ¶¶ 22, 41–42 (footnotes omitted).) Importantly, legal conclusions regarding the Governor's authority are not accepted as true. *Data Key Partners*, 356 Wis. 2d 665, ¶ 19. The complaint alleges that the Governor appointed the individual SPD Board members, who are Defendants. (R. 22:7–9 ¶¶ 24–32.) It also alleges that the Brown County Board of Supervisors "had to pass a resolution in 2021 calling on the Governor and the Legislature to take action to address a backlog of criminal cases." (R. 12:3 ¶ 7.)

These allegations are insufficient to establish that Governor Evers has any role in SPD's appointing counsel to qualified indigent defendants. SPD appoints counsel to qualified indigent defendants, not the Governor. Wis. Stat. § 977.08. And his general role in executing the State's constitutional obligations is not enough to state a claim against him. The Eastern District of Wisconsin held that the Governor is immune from suit in a case challenging

the constitutionality of a statute because he had no connection with the law beyond his general constitutional duty to enforce the laws. *See Deida v. City of Milwaukee*, 192 F. Supp. 2d 899, 917 (E.D. Wis. 2002). Under Plaintiffs' theory, the Governor would be a party to any action challenging the execution of a state law. That is not the law.

Because Plaintiffs' allegations fail to establish that the Governor's actions cause them any injury, he should be dismissed for this independent reason.



## CONCLUSION

This Court should grant the motion to dismiss with prejudice.

Dated this 10th day of October 2022.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed a Brief in Support of Motion to Dismiss with the clerk of court using the Wisconsin Circuit Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Dated this 10th day of October 2022.

Electronically signed by:

Clayton P. Kawski

CLAYTON P. KAWSKI

STATE OF WISCONSIN

CIRCUIT COURT BRANCH

COUNTY

Circuit Court Br. 3

La Crosse

FILED
09-08-2022
Clerk of Circuit Court
La Crosse County WI
2021CF000645

STATE OF WISCONSIN

Plaintiff,

v.

Case No. 21CF645

Antrell R Thomas

Defendant.

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name: Antrell R Thomas SPD Case No: 22P-32-F-H01556

DOC #: Incarcerated:

Date of Birth: 1/9/1993

Nature of Case: Description:
961.41(1m)(d)1 Possess w/Intent-Heroin (<= 3g) 1 Cnts:
Charge Modifier 961.48 Enhancer for repeat drug offense
961.41(1m)(d)1 Possess w/Intent-Heroin (<= 3g) 1 Cnts:
Charge Modifier 939.62(1)(c) Habitual Criminality (Prison > 10 Yrs)
961.41(1m)(h)1 Possess w/Intent-THC (<= 500 grams) 1 Cnts:
Charge Modifier 961.48 Enhancer for repeat drug offense
961.41(1m)(h)1 Possess w/Intent-THC (<= 500 grams) 1 Cnts:
Charge Modifier 939.62(1)(b) Habitual Criminality (Prison <= 10 yrs)
961.41(1m)(cm)1r Possess w/Intent-Cocaine (> 1- 5g) 1 Cnts:
Charge Modifier 961.48 Enhancer for repeat drug offense

Judge: Todd Bjerke

Table with columns: Hearing Date, Hearing Time, Hearing Info, Comments, Facility. Row 1: 11/16/2022, 10:45AM, Calendar Call, Facility:

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

Attorney Name: Sylvie Dahnert State Bar No: 1033967
Address: PO Box 176 Attorney Telephone: (920) 674 9599
Jefferson, WI 53549 0176 Attorney Fax Number:
Attorney Email Address: sylvie.dahnert@att.net Date Appointed: 9/8/2022
Appointed By: Araysa Simpson Supervisor ID: 1095666
SPD Office Handling: La Crosse SPD Office Phone: (608) 766 4001
Dated: 9/8/2022 SPD Office Address: 149 6th St So
Date OAC Printed: 9/8/2022 La Crosse, WI 54601

STATE OF WISCONSIN

CIRCUIT COURT BRANCH

COUNTY

La Crosse

FILED

09-09-2022

Clerk of Circuit Court

La Crosse County WI

2019CF000375

STATE OF WISCONSIN

Plaintiff,

v.

Antrell R Thomas

Defendant.

Case No. 18CF271

19CF375

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name: Antrell R Thomas SPD Case No: 22P-32-R-H01557

DOC #: Incarcerated:

Date of Birth: 1/9/1993

Nature of Case: Description: 973.10 Probation Revocation/Sentencing After Revocation 1 Cnts: Charge Modifier

Next Court Appearance:

Judge:

Table with columns: Hearing Date, Hearing Time, Hearing Info, Comments, Facility. Row 1: 10/06/2022, 3:00PM, Extended Supervision, Revocation, Facility:

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

Attorney Name: Sylvie Dahnert State Bar No: 1033967
Address: PO Box 176 Jefferson, WI 53549 0176 Attorney Telephone: (920) 674 9599

Attorney Email Address: sylvie.dahnert@att.net

Appointed By: Araysa Simpson Date Appointed: 9/9/2022

SPD Office Handling: La Crosse SPD Office Phone: (608) 766 4001

Dated: 9/9/2022 SPD Office Address: 149 6th St So

Date OAC Printed: 9/9/2022 La Crosse, WI 54601

STATE OF WISCONSIN CIRCUIT COURT BRANCH COUNTY

Branch 7 Brown

FILED
09-07-2022
Clerk of Circuit Court
Brown County, WI
2022CF000541

STATE OF WISCONSIN

Plaintiff,

v.

Melvin J Clemons

Defendant.

Case No. 22CF541

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name: Melvin J Clemons SPD Case No: 22P-05-F-C03308

DOC #: Incarcerated:

Date of Birth: 4/20/1980

Nature of Case: Description:
947.01 Disorderly Conduct 1 Cnts:
Charge Modifier 939.62 Repeat offender enhancer
947.01 Disorderly Conduct 1 Cnts:
Charge Modifier 939.621 Domestic abuse enhancer
948.03 Child Abuse 1 Cnts:
Charge Modifier 939.62 Repeat offender enhancer

Next Court Appearance: Judge: Timothy Hinkfuss

Table with 5 columns: Hearing Date, Hearing Time, Hearing Info, Comments, Facility. Rows include dates 05/18/2022, 06/07/2022, and 06/27/2022.

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

Attorney Name: Bradley Jansen State Bar No: 1093824
Address: 1128 S. Silverbrook Drive Attorney Telephone: (262) 483 1045
West Bend, WI 53095 Attorney Fax Number:
Attorney Email Address: bjansen0821@gmail.com Date Appointed: 9/7/2022
Appointed By: Jeffrey Cano Supervisor ID: 1022068
SPD Office Handling: Green Bay SPD Office Phone: (920) 448 5433
Dated: 9/7/2022 SPD Office Address: 139 S. Washington St.
Date OAC Printed: 9/7/2022 Green Bay, WI 54301 4207

STATE OF WISCONSIN

CIRCUIT COURT BRANCH

COUNTY

Circuit Court BR. 8, Rm 250

Brown

FILED

09-07-2022

Clerk of Circuit Court

Brown County, WI

2022CF000890

STATE OF WISCONSIN

Plaintiff,

v.

Case No. 22CF890

Christian R Pittman

Defendant.

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name: Christian R Pittman

SPD Case No: 22P-05-F-C03309

DOC #:

Incarcerated:

Date of Birth: 3/30/1997

Nature of Case:

Description:

- 947.01 Disorderly Conduct 1 Cnts:
  - Charge Modifier 939.63 Weapon enhancer
- 940.19(2) Substantial Battery - Intend Bodily Harm 1 Cnts:
  - Charge Modifier 939.621 Domestic abuse enhancer
- 941.20(1)(a) Endanger Safety/Use/Dangerous Weapon 1 Cnts:
  - Charge Modifier
- 943.10-R Burglary-regular 1 Cnts:
  - Charge Modifier

Next Court Appearance:

Judge: Beau Liegeois

Hearing Date	Hearing Time	Hearing Info	Comments
06/16/2022	2:00 pm	Adjourned Initial Appear.	
07/07/2022	2:00 pm	Status	
07/28/2022	2:00 pm	Status	

Facility: 100 S. Jefferson Street, Green Bay WI 54301

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

Attorney Name: Bradley Jansen State Bar No: 1093824  
 Address: 1128 S. Silverbrook Drive Attorney Telephone: (262) 483 1045  
 West Bend, WI 53095 Attorney Fax Number:  
 Date Appointed: 9/7/2022  
 Attorney Email Address: bjansen0821@gmail.com Supervisor ID: 1022068  
 Appointed By: Jeffrey Cano SPD Office Phone: (920) 448 5433  
 SPD Office Handling: Green Bay SPD Office Address: 139 S. Washington St.  
 Dated: 9/7/2022 Green Bay, WI 54301 4207  
 Date OAC Printed: 9/7/2022

STATE OF WISCONSIN

CIRCUIT COURT BRANCH

COUNTY

Langlade County Courthouse

Langlade

FILED

09-27-2022

Clerk of Circuit Court

Langlade County, WI

2022CF000081

STATE OF WISCONSIN

Plaintiff,

v.

Case No. 22CF81

Chance D Kratochvil

Defendant.

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name: Chance D Kratochvil

SPD Case No: 22P-34-F-S00368

DOC #:

Incarcerated: Langlade

Date of Birth: 10/16/2002

Nature of Case: Description:

- 961.573 Possess Drug Paraphernalia 1 Cnts: Charge Modifier
- 450.11(7)(h) Possess/Illgally Obtained Prescription 1 Cnts: Charge Modifier
- 948.12(1m) Possession of Child Pornography 1 Cnts: Charge Modifier
- 961.41(1)(e)1 Manuf/Deliver Amphetamine (<= 3g) 1 Cnts: Charge Modifier 939.05 Party to crime
- 961.41(3g)(e) Possession of THC 1 Cnts: Charge Modifier

Next Court Appearance:

Judge: John Rhode

Hearing Date	Hearing Time	Hearing Info	Additional Charges Exist!	Comments
05/09/2022	1:30 PM	Adjourned Initial Appear.		
05/16/2022	1:30 PM	Adjourned Initial Appear.		
05/23/2022	1:30 PM	Adjourned Initial Appear.		

Facility:

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

Attorney Name: Adam Raabe

State Bar No: 1089780

Address: 1055 Main Street, Ste 201 Stevens Point, WI 54481

Attorney Telephone: (715) 570 2516

Attorney Fax Number:

Attorney Email Address: adamjraabe@gmail.com

Date Appointed: 9/27/2022

Appointed By: Jessica Fehrenbach

Supervisor ID: 1070889

SPD Office Handling: Merrill

SPD Office Phone: (715) 536 9105

Dated: 9/27/2022

SPD Office Address: 100 S. Mill Street, Suite 104 Merrill, WI 54452 2508

Date OAC Printed: 9/27/2022

STATE OF WISCONSIN

CIRCUIT COURT BRANCH

COUNTY

Circuit Court

Forest

FILED

For Official Use

09-15-2022

FOREST COUNTY WI

CIRCUIT COURT

2022CM000078

STATE OF WISCONSIN

Plaintiff,

v.

Case No.

22CM78

Kelsie C McGeshick

Defendant.

## STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name: Kelsie C McGeshick

SPD Case No: 22P-21-M-S00186

DOC #:

Incarcerated:

Date of Birth: 9/25/1987

## Nature of Case:

## Description:

961.41-P Drug Offenses-Possession 1 Cnts:  
Charge Modifier961.573 Possess Drug Paraphernalia 1 Cnts:  
Charge Modifier

## Next Court Appearance:

Judge: Leon Stenz

<u>Hearing Date</u>	<u>Hearing Time</u>	<u>Hearing Info</u>	<u>Comments</u>
07/20/2022	9:00 AM	Adjourned Initial Appear.	
08/10/2022	9:30 am	Adjourned Initial Appear.	
09/07/2022	9:45 AM	Adjourned Initial Appear.	

Facility:

## Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

<b>Attorney Name:</b>	Michael Scholke	<b>State Bar No:</b>	1071944
<b>Address:</b>	PO Box 747 100 East C Street Iron Mountain, MI 49801 0747	<b>Attorney Telephone:</b>	(906) 774 2480
<b>Attorney Email Address:</b>	mjscholke@hotmail.com	<b>Attorney Fax Number:</b>	
<b>Appointed By:</b>	Courtney Jolin	<b>Date Appointed:</b>	9/14/2022
<b>SPD Office Handling:</b>	Rhinelanders	<b>Supervisor ID:</b>	1059103
<b>Dated:</b>	9/14/2022	<b>SPD Office Phone:</b>	(715) 750 2170
<b>Date OAC Printed:</b>	9/14/2022	<b>SPD Office Address:</b>	158 S. Anderson St. Suite 1 Rhinelanders, WI 54501 3460

Exhibit A



**FILED**  
**09-14-2022**  
**FOREST COUNTY WI**  
**CIRCUIT COURT**  
**2022CM000088**

STATE OF WISCONSIN CIRCUIT COURT BRANCH COUNTY

Circuit Court Forest

STATE OF WISCONSIN

Plaintiff,

v.

Case No. 22CM88

Kelsie C McGeshick

Defendant.

**STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL**

**Name:** Kelsie C McGeshick **SPD Case No:** 22P-21-M-S00185

**DOC #:** **Incarcerated:**

**Date of Birth:** 9/25/1987

**Nature of Case:** **Description:**  
961.573(1) Unlawfully possess drug paraphernalia to inhale a controlled substance 1 Cnts:  
Charge Modifier  
946.49(1)(a) Bail Jumping - Misdemeanor 1 Cnts:  
Charge Modifier

**Next Court Appearance:**

Judge: Leon Stenz

<u>Hearing Date</u>	<u>Hearing Time</u>	<u>Hearing Info</u>	<u>Comments</u>
07/20/2022	9:00 AM	Adjourned Initial Appear.	
08/10/2022	9:30 am	Adjourned Initial Appear.	
09/07/2022	9:45 AM	Adjourned Initial Appear.	

Facility:

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

<b>Attorney Name:</b> Michael Scholke	<b>State Bar No:</b> 1071944
<b>Address:</b> PO Box 747 100 East C Street Iron Mountain, MI 49801 0747	<b>Attorney Telephone:</b> (906) 774 2480
<b>Attorney Email Address:</b> mjscholke@hotmail.com	<b>Attorney Fax Number:</b>
<b>Appointed By:</b> Courtney Jolin	<b>Date Appointed:</b> 9/14/2022
<b>SPD Office Handling:</b> Rhinelander	<b>Supervisor ID:</b> 1059103
<b>Dated:</b> 9/14/2022	<b>SPD Office Phone:</b> (715) 750 2170
<b>Date OAC Printed:</b> 9/14/2022	<b>SPD Office Address:</b> 158 S. Anderson St. Suite 1 Rhinelander, WI 54501 3460

STATE OF WISCONSIN

CIRCUIT COURT BRANCH

COUNTY

Circuit Court Br. 2

Sheboygan

**FILED**  
**08-24-2022**  
**Sheboygan County**  
**Clerk of Circuit Court**  
**2022CF000252**

STATE OF WISCONSIN

Plaintiff,

v.

Logan M Arsenyevictz

Defendant.

Case No. 22CF252

**STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL**

**Name:** Logan M Arsenyevictz **SPD Case No:** 22P-59-F-T01275

**DOC #:** **Incarcerated:**

**Date of Birth:** 1/28/1999

**Nature of Case:** Description:  
940.19(2) Substantial Battery - Intend Bodily Harm 1 Cnts:  
Charge Modifier 939.62(1)(b) Habitual Criminality (Prison <= 10 yrs)  
941.26(4)(L) Felon Use Oleoresin Device 1 Cnts:  
Charge Modifier

**Next Court Appearance:**

Judge: Kent Hoffmann

<u>Hearing Date</u>	<u>Hearing Time</u>	<u>Hearing Info</u>	<u>Comments</u>
08/29/2022	8:30am	Status	

Facility:

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

**Attorney Name:** Martin Tanz  
**Address:** 2266 N Prospect Ave  
Suite 312  
Milwaukee, WI 53202 6319

**State Bar No:** 1040677  
**Attorney Telephone:** (414) 828 0676  
**Attorney Fax Number:**  
**Date Appointed:** 8/24/2022

**Attorney Email Address:** martintanz@yahoo.com

**Appointed By:** Christina Petros

**Supervisor ID:** 1020114

**SPD Office Handling:** Sheboygan

**SPD Office Phone:** (920) 459 4026

**Dated:** 8/24/2022

**SPD Office Address:** 1426 N 5TH ST

**Date OAC Printed:** 8/24/2022

Sheboygan, WI 53081 3548

FILED
09-01-2022
Sheboygan County
Clerk of Circuit Court
2022CF000392

BY THE COURT:

DATE SIGNED: September 1, 2022

Electronically signed by Kent Hoffmann
Circuit Court Judge

STATE OF WISCONSIN, CIRCUIT COURT, SHEBOYGAN COUNTY

State of Wisconsin

Amended

-vs- Order on Petition for Appointment of an Attorney

Jerome Conrad Brost

Case No. 22 CF 392

State Public Defender's office couldn't find counsel. filed a Petition for
Appointment of an Attorney on [Date] 8/31/2022.

THE COURT FINDS AND ORDERS:

This Petition is

- 1. GRANTED because the court finds the person is currently indigent. An attorney shall be appointed at county expense as set forth below. The person shall be required to reimburse the county for such representation as follows:
No reimbursement required.
Repayment at the rate of \$ per until the total sum is paid. The first payment shall be made on [Date]. Payments shall be made to the Clerk of Court.
Other: Reimbursement will be determined at the end of the case, if any.

The following attorney is appointed to represent the defendant:

Name: George Limbeck Telephone Number: 920-452-2400
Address: PO Box 1251, 1933 Settlement Trail, Sheboygan, WI 53082-1251

The attorney shall be compensated at

- current state public defender rates.
\$100.00 per hour not to exceed a total of \$750.00 without prior approval of the courts. To receive payment, bill must be submitted within 90 days of withdrawal or case disposition.

- 2. DENIED because the court finds:
the person is not indigent.
Other:

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

- 1. Clerk of Court/Register in Probate

STATE OF WISCONSIN

CIRCUIT COURT BRANCH

COUNTY

Circuit Court BR. 38, Rm 506

Milwaukee

FILED

08-22-2022

George L. Christenson

Clerk of Circuit Court

2022CF002803

STATE OF WISCONSIN

Plaintiff,

v.

Dwight J Moore

Defendant.

Case No. 22CF002803

STATE PUBLIC DEFENDER - ORDER APPOINTING COUNSEL

Name: Dwight J Moore

SPD Case No: 22P-40-B-P05976

DOC #:

Incarcerated:

Date of Birth: 5/11/1974

Nature of Case:

Description:

943.32(2) Armed Robbery 1 Cnts:

Charge Modifier 939.05 Party to crime

941.29(1m)(a) Possess Firearm-Convicted of a Felony 1 Cnts:

Charge Modifier

Next Court Appearance:

Judge: Jeffrey Wagner

<u>Hearing Date</u>	<u>Hearing Time</u>	<u>Hearing Info</u>	<u>Comments</u>
08/23/2022	1:30	Preliminary Hearing	

Facility: 821 W. State Street

Prior Attorney:

In accordance with Chapter 977 of the Wisconsin statutes, I hereby appoint the following attorney to represent the above named individual in relation to the above entitled proceedings:

Attorney Name: Thomas Harris

State Bar No: 1018226

Address: 20935 Swenson Dr Ste 310  
Waukesha, WI 53186 2076

Attorney Telephone: (262) 790 0404

Attorney Fax Number:

Date Appointed: 8/22/2022

Attorney Email Address: mu3x@hotmail.com

Appointed By: Thomas Reed

Supervisor ID: 1005694

SPD Office Handling: Milwaukee

SPD Office Phone: (414) 227 4130

Dated: 8/22/2022

SPD Office Address: 819 N 6TH ST RM 908

Date OAC Printed: 8/22/2022

Milwaukee, WI 53203 1606