



# Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

## Wisconsin Supreme Court accepts seven new cases

**Madison, Wis.** (Dec. 17, 2020) – The Wisconsin Supreme Court has voted to accept seven 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](#).

2019AP1404-CR

State v. Burch

**Supreme Court case type:** Certification

**Court of Appeals:** District III

**Circuit Court:** Brown County, Judge John Zakowski

**Long caption:** State of Wisconsin, Plaintiff-Respondent, v. George Steven Burch, Defendant-Appellant

### Issues presented:

1. Would a reasonable person consider the scope of consent to search a cell phone to be limited by the person's discussion with law enforcement, or would a reasonable person properly consider a subsequent discussion about police extracting "the information" from the cell phone as showing the person had consented to police searching the phone in its entirety?
2. May a reasonable person consider the broad scope of the consent form signed by Burch despite the officer's initial request to review only the text messages on the phone?
3. After police downloaded information from the cell phone, what portion of Burch's data could it lawfully retain?
4. If the police department was permitted to retain some or all of the downloaded material, how long could it do so?
5. Did the status of the original investigation that produced the download affect the ability of police to lawfully retain the downloaded material?

6. Did the police have any obligation to return the downloaded material to Burch, and if so, when?

2019AP1272-CR

State v. Lickes

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

**Court of Appeals:** District IV

**Circuit Court:** Green County, Judge James R. Beer, reversed

**Long caption:** State of Wisconsin, Plaintiff-Appellant, v. Jordan Alexander Lickes, Defendant-Respondent-Petitioner

**Issues presented:**

1. Does the expungement statute's requirement that a probationer have "satisfied the conditions of probation" also mean that the probationer must perfectly comply at all times with each and every rule of probation set by the probation agent?
2. When a circuit court chooses to hold a hearing and exercise discretion to determine whether a probationer who violated a rule set by his agent has nevertheless "satisfied the conditions of probation" so as to qualify for expungement, should the appellate court review the circuit court's decision for an erroneous exercise of discretion?
3. When a circuit court makes factual findings concerning whether a probationer violated a condition of probation rendering him ineligible for expungement, must the appellate court uphold the finding in the absence of clear error?

2019AP2073

Fond du Lac County v. S.N.W.

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

**Court of Appeals:** District II

**Circuit Court:** Fond du Lac County, Judge Dale L. English, affirmed

**Long caption:** In the matter of the mental commitment of S.N.W.: Fond du Lac County, Petitioner-Respondent, v. S.N.W., Respondent-Appellant-Petitioner

**Issues presented:**

1. Did the circuit court lack competency to proceed with the final hearing due to the 48-hour rule violation?
2. If the circuit court retained competency, did it err in admitting the tardy report and its author's testimony?
3. Was the evidence presented at S.N.W.'s final hearing sufficient to prove him dangerous?
4. Is this appeal moot?

2019AP1983-CR

State v. Beyer

**Supreme Court case type:** Certification