

SCOWIS: Seating still available for Oct. 10 Supreme Court oral argument in Waupaca

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Madison, Wis. (Sept. 26, 2022) – Some seating is still available for the public to observe oral argument before the Wisconsin Supreme Court at the Waupaca County Courthouse on Oct. 10.

The Court is holding argument in two cases as part of the Court's outreach and public education program, *Justice on Wheels*. Waupaca will be the 32nd county outside Dane where the Court has held oral argument since the program began in 1993.

The hearings are scheduled for 9:45 a.m. and 11 a.m. in the Branch 1 courtroom at the courthouse, 811 Harding St. As part of the program, an attorney member of the Ozaukee County Bar Association will briefly introduce each case and discuss some of the issues involved, beginning at approximately 9:30 a.m. and 10:45 a.m., respectively.

Seating to observe an argument is free and open to the public. However, space is limited. Registration is highly recommended and may be made by e-mail or phone with Lexi Werle lexi.werle@wicourts.gov (608) 266-1298, by Sept. 30. The hearings will be held in the Branch 1 courtroom at the Waupaca County Courthouse, 811 Harding St., Waupaca.

During oral argument, lawyers present their strongest legal reasons why the Court should decide a case in their client's favor. Justices have an opportunity to respond or ask questions directly of the lawyers during arguments that last about an hour each.

Also as part of *Justice on Wheels*, the Supreme Court sponsors a civics education contest designed to help local fifth graders learn about the Wisconsin and U.S. constitutions. For rules and information on how to submit projects in the form of an essay, video, artwork or music, contact Susan K. Gray, Judicial Assistant to Chief Justice Annette Kingsland Ziegler at susan.gray@wicourts.gov or (608) 266-1881.

Individuals who are experiencing symptoms consistent with COVID-19 are asked to not attend. Information about each case to be heard in Waupaca is listed below:

MONDAY, OCT. 10, 2022

9:45 a.m.

2021AP21-CR [State v. Robert K. Nietzold, Sr.](#)

Supreme Court case type: Petition for Review

Court of Appeals: District IV

Circuit Court: Vernon County, Judge Darcy Jo Rood, reversed and remanded

Long caption: State of Wisconsin, Plaintiff-Respondent-Petitioner, v. Robert K. Nietzold, Sr., Defendant-Appellant

Issue presented:

Whether a prosecutor breached a plea agreement by inadvertently recommending a specific term of imprisonment but then remedied the error after defendant's objection by withdrawing the mistaken recommendation and substituting the agreed recommended sentence. See, i.e., *State v. Smith*, 207 Wis. 2d 258, 558 N.W.2d 379 (1997), *State v. Bowers*, 2005 WI App 72, 280 Wis. 2d 534, 696 N.W.2d 255; *State v. Knox*, 213 Wis. 2d 318, 570 N.W.2d 599 (Ct. App. 1997).

11:00 a.m.

2020AP877 [Rachel Slabey v. Dunn County](#)

Supreme Court case type: Petition for Review

Court of Appeals: District III

Circuit Court: Dunn County, Judge Maureen D. Boyle, affirmed

Long caption: Rachel Slabey, Plaintiff-Appellant-Petitioner, v. Dunn County, Wisconsin, Dennis P. Smith, Brenda LaForte, Marshall L. Multhauf and Paul Gunness, Defendant-Respondents, Dunn County Sheriff's Office, Ryan Boigenzahn, John Doe One, John Doe Two and John Doe Three, Defendants, Wisconsin County Mutual Insurance Corporation, Intervenor

Issues Presented:

1. Are Dunn County and the County Defendants liable under 42 U.S.C. § 1983 for its failure to address credible allegations that Boigenzahn was likely to cross a line sexually or romantically with female inmates?
2. Are Dunn County and the County Defendants liable under § 1983 for its failure to protect Rachel Slabey from a single sexual assault in light of the obvious constitutional risk of being sexually assaulted, particularly in light of credible allegations that Boigenzahn was likely to engage in inappropriate sexual conduct?