

SCOWIS: Wisconsin Supreme Court to hear cases in Waupaca Oct. 10

Posted on Monday, Sep 12, 2022

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Madison, Wisconsin (Sept. 12, 2022) – The Wisconsin Supreme Court will hear oral argument in two cases at the Waupaca County Courthouse on the morning of Monday, Oct. 10, as part of the Court's *Justice on Wheels* outreach and education program.

Justice on Wheels gives students, teachers, and the general public in other parts of the state an opportunity to observe the Court in person, without having to travel to Madison. Waupaca will be the 32nd county where *Justice on Wheels* has been held since the program began in 1993.

“This is a great opportunity for people to learn more about the state’s legal system and the deliberative process used by [the justices](#) to form a legal opinion in a case before the Supreme Court,” said Wisconsin Supreme Court Chief Justice Annette Kingsland Ziegler.

During oral argument, lawyers present their strongest legal reasons why the [Supreme Court](#) should decide a case in their client’s favor. Justices have an opportunity to respond or ask questions directly of the lawyers during timed presentations.

As part of the program, an attorney member of the Waupaca County Bar Association will meet with those in attendance to briefly explain the issues presented, how the case arrived at the Supreme Court and the decision-making process. The Supreme Court accepts for review only cases that present novel legal questions of statewide importance. Both cases scheduled for Oct. 10 were presented to the Court on [petition for review](#) of a lower court decision. (See the calendar and brief description of cases below).

Seating to observe an argument as part of [Justice on Wheels](#) is free and open to the public. However, space is limited. Advance registration is recommended and may be made by e-mail to Lexi Werle, lexi.werle@wicourts.gov by Sept. 28. Area high school teachers and their students are highly encouraged to attend. For more information, contact Ms. Werle by e-mail or at (608) 266-1298.

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. Educational materials for teachers, students, and others interested in learning about the judicial branch of government can be found on the Wisconsin court system website at: www.wicourts.gov/courts/resources/index.htm

Attorney introductions are scheduled to begin at 9:30 a.m. and 10:45 a.m., with oral argument scheduled at 9:45 a.m. and 11 a.m., respectively. The hearings will be held in the Branch 1 courtroom at the Waupaca County Courthouse, 811 Harding St., Waupaca. Oral arguments are also scheduled to be streamed live on the [WisconsinEye](#) Public Affairs Network. Individuals who are experiencing symptoms consistent with COVID-19 are asked to not attend.

Since 1993, the Wisconsin Supreme Court has held arguments in the following counties: Brown, Eau Claire, Marathon, Milwaukee, La Crosse, Douglas, Rock, Kenosha, Sauk, Dodge, Oneida, Outagamie, Portage, Racine, Fond du Lac, Walworth, Waushara, St. Croix, Winnebago, Iowa, Washington, Columbia, Green, Sheboygan, Waukesha, Grant, Bayfield, Jefferson, Monroe, Marquette and Ozaukee.

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?