

FILED
09-09-2021
CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN
IN SUPREME COURT

No. 2019AP1105-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

ANGELINA M. HANSEN,

Defendant-Appellant-Petitioner.

RESPONSE TO PETITION FOR REVIEW

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The State of Wisconsin opposes the petition for review filed by Angelina M. Hansen on the following grounds:

1. The petition does not satisfy the criteria for review at Wis. Stat. § (Rule) 809.62(1r) because it does not present a significant question of state law. The issue of statutory interpretation presented is largely confined to the unique facts of this case.

2. The unpublished decision of the court of appeals has no precedential value.

3. The court of appeals correctly held that, in accordance with Wis. Stat. § 767.001(5), and *Rick v. Opichka*, 2010 WI App 23, 323 Wis. 2d 510, 780 N.W.2d 159, Hansen's decision to visit and sit with her children during lunch at school violated the family court order that she as the non-custodial parent could not visit them without advance approval and supervision. "In this case, Hansen was permitted to have a single, two-to-four-hour in-person interaction with her children each week, and only when arranged in advance and supervised." *State v. Hansen*, Appeal No. 2019AP1105-CR, slip op. ¶ 3 (Ct. App. July 27, 2021). "Here, Hansen's personal interaction with her children—i.e.,

her visit—was prohibited by the family court order.” *Id.* ¶ 22. Based on that, a rational jury could find Hansen guilty of contempt of court for intentionally violating the family court order.

4. The court of appeals correctly held that the State presented sufficient evidence for a rational jury to find beyond a reasonable doubt that her violation of the family court order was intentional. “Hansen had no right to be physically present with her children at their school By coming to her children’s school without permission, sitting with her children while they ate lunch, and deceiving school staff about her identity, the jury could properly find that Hansen intentionally violated the family court order.” *Id.* ¶ 3. Hansen’s conduct was, therefore, far more than “interacting with one’s children in a public place.” (Hansen’s Pet. 3–4.) Hansen’s planned, deceitful and intentional interaction with her children in knowing violation of the family court order involved far more than her “simple proximity” to her children. (Hansen’s Pet. 10, at heading “I”.) As the court of appeals aptly explained, mere proximity to one’s child while attending a school sporting event or a school play in which the child

participates would not violate the placement order. *Hansen*, slip op. ¶ 20 n.6. There is no reason to disturb the court of appeals' decision.

This Court should deny review.

Dated this 9th day of September 2021.

Respectfully submitted,

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CERTIFICATION

I hereby certify that this response conforms to the rules contained in Wis. Stat. §§ (Rule) 809.19(8)(b) and 809.62(4) (2019-20) for a response to petition for review produced with a proportional serif font. The length of this response is 416 words.

Dated this 9th day of September 2021.

DANIEL J. O'BRIEN
Assistant Attorney General

**CERTIFICATE OF COMPLIANCE
WITH WIS. STAT. § (RULE) 809.62(4)(b)**

I hereby certify that:

I have submitted an electronic copy of this response to petition for review, excluding the appendix, if any, which complies with the requirements of Wis. Stat. §§ (Rules) 809.62(4)(b) and 809.19(12) (2019-20).

I further certify that:

This electronic response to petition for review is identical in content and format to the printed form of the response to petition for review filed as of this date.

A copy of this certificate has been served with the paper copies of this response to petition for review filed with the court and served on all opposing parties.

Dated this 9th day of September 2021.

DANIEL J. O'BRIEN
Assistant Attorney General