

FILED
08-16-2023
CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN
IN SUPREME COURT

No. 2022AP1270-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

JONATHON S. GEIGER,

Defendant-Appellant-Petitioner.

RESPONSE TO PETITION FOR REVIEW

JOSHUA L. KAUL
Attorney General of Wisconsin

CHRISTINE A. REMINGTON
Assistant Attorney General
State Bar #1046171

Attorneys for Plaintiff-Respondent

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-8943
(608) 294-2907 (Fax)
remingtonca@doj.state.wi.us

The State opposes Jonathon S. Geiger's petition for review. The court of appeals applied the correct principles of law and standards of review when it affirmed the judgment of conviction and circuit court order. *See State v. Jonathon S. Geiger*, No. 2022AP1270-CR, 2023 WL 4441952 (Wis. Ct. App. July 11, 2023). The petition does not meet the criteria enumerated in Wis. Stat. § (Rule) 809.62(1r). Thus, Geiger has not shown any "special and important reasons" warranting review by this Court. *See* Wis. Stat. § (Rule) 809.62(1r).

THIS COURT SHOULD DENY THE PETITION FOR REVIEW BECAUSE IT DOES NOT SATISFY THE CRITERIA IN WIS. STAT. § (RULE) 809.62(1R).

On appeal, Geiger argued that the circuit court erred when it entered an order requiring him to pay the costs of his extradition from Arizona. The court of appeals determined that the circuit court had the authority to require Geiger to pay extradition costs. It therefore affirmed the circuit court's order.

Geiger argues that the court of appeals' decision conflicts with established law. But the circuit court and court of appeals correctly interpreted Wis. Stat. § 973.06(1)(a). They correctly concluded that the plain language of the statute allows extradition costs. *Geiger*, 2023 WL 4441952, ¶ 10. As such, this case does not conflict with established law. Because Geiger's petition does not meet the criteria for review or demonstrate any need to reexamine well-established case law, this Court should not grant the petition.

Geiger's simply disagrees with the court of appeals' decision. Geiger made the same arguments he makes in his petition in the court of appeals. But the court of appeals rejected them. *Geiger*, 2023 WL 4441952, ¶¶ 11–20. Geiger seeks error correction. He wants this Court to examine the facts of his case and reach a different conclusion.

Error correction is not a special or compelling reason for this Court to accept review of this case. *See State v. Minued*, 141 Wis. 2d 325, 328, 415 N.W.2d 515 (1987) (“it is not [the supreme] court’s institutional role to perform [] error correcting function[s]”). This Court is primarily concerned with the institutional functions of our judicial system, while the court of appeals is charged primarily with error correction in individual cases. *See State ex rel. Swan v. Elections Bd.*, 133 Wis. 2d 87, 93–94, 394 N.W.2d 732 (1986).

Geiger’s petition fails to satisfy any of the statutory criteria. The case does not present a real and significant question of federal or state constitutional law. *See Wis. Stat. § (Rule) 809.62(1r)(a)*. Geiger’s petition does not demonstrate a need for this Court to consider establishing, implementing, or changing a policy within its authority. *See id.* § (Rule) 809.62(1r)(b). This Court’s assistance is not needed to help develop, clarify, or harmonize the law. *See id.* § (Rule) 809.62(1r)(c). And the court of appeals’ decision is not in conflict with controlling opinions. *See id.* § (Rule) 809.62(1r)(d).

In sum, Geiger’s petition lacks a special or important reason for this Court to review the court of appeals’ decision. Because his case does not present issues where law development is needed, this Court should deny the petition. The court of appeals applied clearly established law to the facts and arrived at the correct result.

CONCLUSION

This Court should deny Geiger's petition for review.

Dated this 16th day of August 2023.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

Christine A. Remington
CHRISTINE A. REMINGTON
Assistant Attorney General
State Bar #1046171

Attorneys for Plaintiff-Respondent

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-8943
(608) 294-2907 (Fax)
remingtonca@doj.state.wi.us

FORM AND LENGTH CERTIFICATION

I hereby certify that this petition or response conforms to the rules contained in Wis. Stat. §§ (Rules) 809.19(8)(b), (bm) and 809.62(4) for a petition or response produced with a proportional serif font. The length of this petition or response is 547 words.

Electronically signed by:

Christine A. Remington
CHRISTINE A. REMINGTON
Assistant Attorney General

CERTIFICATE OF EFILE/SERVICE

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

Dated this 16th day of August 2023.

Electronically signed by:

Christine A. Remington
CHRISTINE A. REMINGTON
Assistant Attorney General

