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SUPREME COURT

STATE OF WISCONSIN

I N S U P R E M E C O U R T

Nos. 2024AP554-CR; 2024AP556-CR

STATE OF WISCONSIN,

Plaintiff-Appellant,

v.

CHRISTOPHER J. SYRRAKOS
AND KRISTYN A. SHATTUCK,

Defendant-Respondent-Petitioner.

RESPONSE OPPOSING PETITION FOR REVIEW

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Christopher J. Syrrakos and Kristyn A. Shattuck petition for review of the court of appeals' published decision reversing a circuit court order granting their motion for reconsideration and dismissing charges against them. *State v. Christopher J. Syrrakos and Kristyn A. Shattuck*, 2025 WI App 73, 2025 WL 3022234 (Ct. App. Oct. 29, 2025) (unpublished). The State of Wisconsin opposes the petition.

Syrrakos had a hemp processing license issued by the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), and he operated a retail store, Superstar Buds in Menominee Falls, that sold products containing THC. *Id.* ¶ 16. In 2021, the State charged Syrrakos with eleven violations of Wisconsin's controlled substances law, eight relating to Superstar Buds and three relating to his home. *Id.* ¶18. The charges alleged that Syrrakos possessed and sold products with a THC concentration exceeding the limit under Wisconsin law. *Id.* The State charged Shattuck with one count maintaining a drug trafficking place. *Id.*

The circuit court granted Syrrakos and Shattuck's motion to dismiss the charges against them, concluding that since Syrrakos had a hemp processing license, the State could not charge him with violating Wis. Stat. § 94.55 or Wis. Stat. ch. 961 unless DATCP referred the case to the prosecutor. *Id.* ¶¶ 21–22. Without such a referral, the State could not charge Syrrakos or Shattuck, and the circuit court lacked competency over the charges. *Id.*

The court of appeals reversed. It concluded that the charges against Syrrakos and Shattuck “do not arise out of their manufacture, possession, or sale of hemp,” but “instead, to items with THC concentrations far in excess of the level that would make them hemp under Wisconsin law.” *Syrrakos*, 2025 WI App 73, ¶ 28. These items are controlled substances, not hemp. *Id.* The court of appeals also concluded that the State did not charge Syrrakos or Shattuck with violating Wis. Stat. § 94.55 or a rule promulgated under that statute.

And while Syrrakos and Shattuck claim that they violated rules promulgated under Wis. Stat. § 94.55, the rules they point to “do not apply to persons, like Syrrakos and Shattuck, who are not licensed to grow hemp.” *Id.* ¶ 29. The court of appeals concluded that the State properly charged Syrrakos and Shattuck under the controlled substances law, and the circuit court had competency over the charges. *Id.* ¶ 34.

Syrrakos and Shattuck now seek review by this Court, raising a single issue: whether the circuit court lacked competency over the charges against them because DATCP did not refer the cases to the district attorney. (Pet. 6.) This Court should deny review for the following reasons.

1. Syrrakos and Shattuck argue that the products that resulted in their charges were “hemp products.” (Pet. 13.) But they weren’t. As the court of appeals recognized, “The charges against Syrrakos and Shattuck do not arise out of their manufacture, possession, or sale of hemp. They relate, instead, to items with THC concentrations far in excess of the level that would make them hemp under Wisconsin law. *Syrrakos*, 2025 WI App 73, ¶ 28. The products that resulted in charges for controlled substances had THC concentrations ranging from 2.01% to 40.32%, far above the 0.03% level that would make them hemp, or the 1.0% level that would make them “hot hemp” Wis. Stat. § 94.55. *Syrrakos*, 2025 WI App 73, ¶ 28.

2. Syrrakos and Shattuck argue that all the rules promulgated under Wis. Stat. § 94.55—even rules that can only apply to hemp growers—also apply to hemp processors, who are prohibited from growing hemp. (Pet. 13.) But as the court of appeals recognized, the rules Syrrakos and Shattuck claim they violated pertain to “sampling, testing, destruction, and remediation” of “hemp plants that are grown in lots.” *Syrrakos*, 2025 WI App 73, ¶ 31. And “[o]nly a person to whom the DATCP issues a grower license is authorized to grow hemp.” *Id.* Syrrakos’ hemp processing license subjected him

to the rules and regulations that apply to hemp processors, who are authorized only to “store, handle, and convert hemp into a marketable form.” *Id.* ¶ 32 (citation omitted).

3. Syrrakos and Shattuck argue that the court of appeals overlooked that DATCP regulations define a “licensee” as “a person possessing a grower license or a processor license.” (Pet. 15.) They claim that since Syrrakos is a “licensee” and licensees must comply with all federal, state, and local laws, he is subject to all hemp laws, even the ones that plainly apply only persona licensed to grow hemp, not merely process it. (Pet. 15–16.) But the court of appeals did not overlook the definition of “licensee.” *Syrrakos*, 2025 WI App 73, ¶ 27. The court recognized that although the rules combine licensed hemp growers and licensed hemp processors for some purposes, that cannot mean that a person licensed only to process hemp can be guilty of violating rules that by their very nature, apply only to a person licensed to grow hemp. *Id.* ¶¶ 29–31.

4. Syrrakos and Shattuck argue that this Court should grant review because the court of appeals’ opinion “will necessarily affect the hemp industry throughout Wisconsin,” and “[h]emp stores can’t be looking over their shoulder every time they sell a product.” (Pet. 17.) They argue that “[t]he published opinion, as it stands, will make it very, *very* hard for hemp processors to operate.” (Pet. 17.)

However, as the court of appeals recognized, “allowing the cases against [Syrrakos and Shattuck] to proceed does not frustrate or undermine” the purposes of the hemp industry, because “they have not been charged with any offenses related to hot hemp.” *Syrrakos*, 2025 WI App 73, ¶ 33. Instead, they have been charged with “the possession, manufacture, and delivery of items containing unlawfully high concentrations of THC,” and maintaining drug trafficking places. *Id.* The court of appeals’ decision “do[es] not undermine our state’s interest in protecting those who

produce hot hemp from unwarranted criminal prosecution by allowing these charges to be adjudicated without a DATCP referral.” *Id.* It merely provides that a hemp processing license is not a shield protecting a person from criminal charges for selling products that are not hemp or even “hot hemp,” but controlled substances.

CONCLUSION

This Court should deny review.

Dated this 6th day of February 2026.

Respectfully submitted,

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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 1042 words.

Electronically signed by:

Michael C. Sanders
MICHAEL C. SANDERS
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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 6th day of February 2026.

Electronically signed by:

Michael C. Sanders
MICHAEL C. SANDERS
Assistant Attorney General

