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COURT OF APPEALS

STATE OF WISCONSIN
COURT OF APPEALS
District 2
Appeal No. 2025AP001179-CR
Circuit Court No. 2020 CM 306

State of Wisconsin,
Plaintiff-Respondent,

vs.

Clinton J. Adams,
Defendant-Appellant.

ON APPEAL FROM A JUDGMENT OF CONVICTION
ENTERED IN MANITOWOC COUNTY CIRCUIT
COURT, THE HONORABLE JERILYN DIETZ
PRESIDING.

REPLY BRIEF

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ARGUMENT

The trial evidence was insufficient to support a conviction beyond a reasonable doubt.

Standard of review and appellate review framework.

The parties agree on the standard of review. (See State's Brief p. 6.) Whether the evidence is sufficient to support the jury's guilty verdict is a question of law subject to de novo review. *State v. Smith*, 2012 WI 91, ¶24, 342 Wis. 2d 710, 817 N.W.2d 410. This Court will uphold the verdict unless the evidence "is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." *Id.* (quoting *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990)).

The proof requirements in this case.

To obtain a conviction of violating an injunction, as defined in § 813.12, Wis. Stat., according to Wis JI-Criminal 2040, the State must prove three elements beyond a reasonable doubt: (1) an injunction was issued against Adams in protection of H.F. under § 813.12; (4) Adams committed an act that violated the terms of the injunction; and (3) Adams knew that the injunction had been issued and knew that his acts violated its terms.

The failure of proof in this case.

Despite the State's response to the contrary, during the trial, the State did not produce sufficient evidence to demonstrate beyond a reasonable doubt that Adams committed an act that violated the terms of the injunction. There was no proof that Adams sent the message, or that the message was shown to be from a Facebook account owned or controlled by Adams.

Officer Vanoss was shown a screenshot of a purported Facebook message. (126:76) Officer Vanoss did not investigate whether this message originated from Adams or if it was genuine. T.F. testified that when she saw the message she sent it to her mom and asked her to call her. T.F. did not contact Facebook to verify the message's authenticity or that it came from Adams. There was no evidence about whose email was used or whose name was on this account. The only evidence produced required speculation to connect it to Adams.

The State did not authenticate the IP address, the user's location, or any other user account information. In the era of spam emails and spam messaging, phishing emails and phishing messaging, at best, the jury is being asked to guess about the source of the message. None of the witnesses testified how they could verify that Adams sent, or could send, the

purported message. The second element was not proven beyond a reasonable doubt.

The State had the burden of proving beyond a reasonable doubt that Adams committed the offense as charged, which meant proof that he violated an injunction, as defined in § 813.12. The evidence submitted at trial and the lacked the required proof that Adams sent the offending message in this case. No reasonable factfinder could conclude, without speculating, otherwise. *See Poellinger*, 153 Wis. 2d at 501, 451 N.W.2d at 755. Adams thus asks for relief from the guilty verdict. *Jackson v. Virginia*, 443 U.S. 307, 318 (1979) (recognizing that if a defendant was convicted based on insufficient evidence, the conviction “cannot constitutionally stand.”).

CONCLUSION

There was insufficient evidence for a guilty verdict. This matter should be remanded for a judgment of dismissal.

Dated: October 23, 2025

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CERTIFICATION

I hereby certify that this brief conforms to the rules contained in s. 809.19(8)(b), (bm), and (c) for a brief produced with a proportional serif font. The length of this brief is 710 words.

A paper copy of this brief and certificate has been served on all non-electronic parties.

Dated: October 23, 2025

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