

FILED
12-03-2025
CLERK OF WISCONSIN
SUPREME COURT

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

State of Wisconsin,
Plaintiff-Respondent-Respondent,

vs.

Clinton J. Adams,
Defendant-Appellant-Petitioner.

PETITION FOR REVIEW

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Statutes

None

ISSUE PRESENTED

Did the trial court err when it denied the motion to dismiss the case for lack of proof at the close of the State's case?

Court of Appeals and Trial Court Treatment: The trial court denied the motion to dismiss at the close of the State's case. The Court of Appeals affirmed the decision

CRITERIA FOR REVIEW

The issues involving the exercise of the circuit court's discretion, while it does not satisfy the criteria for review in Wis. Stat. § (Rule) 809.62(1r)(a), it does present a real and significant question of state and federal constitutional law.

Also, while the issues here involve the exercise of court discretion, there is precedent for courts granting discretionary appellate review even where the only issue presented is the discretionary actions of the circuit court of and the Court of Appeal's review of those issues. See *State v. Grant*, 139 Wis. 2d 45, 406 N.W.2d 744 (1987) (single issue was whether court of appeals properly applied harmless-error rule to trial court's erroneous admission of other-acts evidence).

Given that this case involves issues of significance, it may be worthy of review by this court.

STATEMENT OF CASE

A criminal complaint was filed against Clinton J. Adams in Manitowoc County case 2020 CM 306. (Record, Document, 2:1) The complaint charged Adams with Violation of a Domestic Abuse Injunction, as a Repeater, contrary to sec. 813.12(4) & (8)(a), 939.62(1)(a) Wis. Stats., a misdemeanor. *Id.*

The factual allegations stated that:

On 3/14/20 at 19:09 hours, I, Officer Joe Van Oss, was advised that H.K., was calling about an injunction violation with her ex-boyfriend Clinton J. Adams.

H.K. stated she had just gotten back from vacation in Key West Florida. [H.K.]’s daughter, [T.F.] was vacationing with her. When [H.K.] got home, [T.F.] who was in Grand Rapids Mi, advised [H.K.] that while in Key West, Florida, she received a Facebook Message request from Clinton. This Facebook message stated, “I need to speak with your mom asap.” [T.F.] advised [H.K.] that she did not open the message, and she blocked Clinton. [T.F.] received the message request on 03/11/2020 and would have noticed that she got the message request at about 11:14 hours on 03/14/2020. [T.F.] would have been in Grand Rapids, MI, when she noticed the

message, and in Key West, Florida, when she got the message request.

[H.K.] advised me that she has an injunction against Clinton that indicates Clinton cannot attempt to contact her via a 3rd party, and that Clinton contacting her daughter [T.F.] is violating the injunction. [H.K.] advised me that she did not give Clinton J. Adams permission to contact her daughter, [T.F.]. [H.K.] advised me that Clinton's last known address was 206 Wilson Ave. in Sheboygan, WI. [H.K.], however, had heard he was kicked out of that residence and was now living at the Salvation Army in Sheboygan, WI.

[H.K.] completed a Statement of Non-consent/Permission, a Written Statement Form, and an Information for Victims of Crime in Wisconsin form. [H.K.] showed me the injunction form that indicated Clinton cannot contact her unless it is through law enforcement or an attorney.

The records of the Manitowoc County Clerk of Circuit Court indicate that on November 14, 2019, an injunction was ordered in H.K. vs. Clinton Adams, 20 CV 497. The injunction is in effect until November 14, 2029. Id.

A jury trial initially began on May 23, 2023, but resulted in a mistrial. (75:1-59) On October 11, 2023, a second jury was seated to hear the case. (126:1)

H.K. testified that she has lived in Manitowoc County since 2015 and was in a prior relationship with Adams. (126:54) After the relationship ended, H.K. sought and obtained a 10-year protective injunction against Adams in Manitowoc County, which also covered her children. (126:55) In March 2020, shortly after the injunction hearing, H.K. took a vacation to Key West, Florida, with her daughter T.F., who lives separately in Michigan. (126:56) After returning from vacation, T.F. received a Facebook Messenger message from Adams, which she reported to her mother. (126:57) H.K. advised T.F. not to respond or delete the message to preserve evidence. (126:57) H.K. contacted police by phone, met with officers at her home, and provided them with the screenshot of the message as evidence of the no-contact order violation. (126:58) She also completed a written statement and a statement of non-consent regarding the contact. (126:60) The message from Adams to T.F. read, "I need to speak with your mom ASAP," which H.K. showed to law enforcement as evidence of prohibited third-party contact. (126:59)

There was testimony from T.F. She testified that in March 2020, she vacationed in Florida with her mother, H.K., her sister, and her fiancé. (126:69) Upon returning home, she received a Facebook message request from Clinton Adams asking to speak with her mother ASAP. (126:70) She sent a

screenshot of the message to her mother and did not respond to Adams. (126:71) She clarified the timeline of events: returned home to Michigan after vacation, saw the message mid-travel home, called her mother after landing, and then texted her the screenshot. (126:71) She confirmed she did not speak with Officer VanOss. She said that her mother was home in Wisconsin when they talked about the message. (126:74)

Faith Stewart testified. (126:64) She was employed in the Manitowoc County Clerk of Courts office. (126:65) Currently a family clerk, formerly a civil clerk, during 2022, after November 14, 2019, when the injunction in this case was filed. (126:65) She confirmed the injunction's end date is November 14, 2029. (126:68) She stated her duties as a clerk: receiving, filing, scanning, and maintaining records, primarily for family cases, but also filling in for civil and small claims. (126:66) She has familiarity with injunctions for domestic abuse, stating she has clerked these hearings and filled out the documents. *Id.* She is also familiar with certificates of service, which are typically seen after a restraining order is filed and served. (126:66) Stating these records are kept by her office and maintained shortly after the injunction issuance. (126:66)

Finally, testifying was Joseph VanOss, from the City of Kiel Police Department, for almost four years. (126:75) He

handles a variety of complaints due to the small size of the agency. (126:75) He testified about being on duty on March 14, 2020, and investigating a reported injunction violation. (126:76) Stated H.K. reported her ex-boyfriend, Clinton Adams, contacted her daughter, T.F., via Facebook Messenger, violating a no-contact order. (126:76) He initially took the complaint by phone and then met with H.K. in person about an hour later. (126:76) H.K. provided a copy of the no-contact order, showed him the conversation with T.F., including the screenshot of the message from Adams, and provided travel dates. (126:77) This occurred on March 11, 2020. (126:77)

After deliberation, the jury returned a verdict of guilty to the sole count in the criminal complaint. (126:124)

On October 27, 2023, Adams was sentenced to six months in the Manitowoc County Jail. (125:11, 88:1) He appealed the judgment to the Court of Appeal, and in a decision dated November 26, 2025, the judgment was affirmed. (Appendix.)

ARGUMENT

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

Standard of review and appellate review framework.

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)).

In reviewing the sufficiency of the evidence to support a conviction, appellate courts may not substitute their judgment for that of the jury “unless the evidence viewed most favorably to the State and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990).

The sufficiency of the evidence test is the same regardless of whether the evidence is direct or circumstantial. *Id.* at 501. If any possibility exists that the trier of fact could

have drawn the appropriate inferences from the evidence adduced at trial to find the requisite guilt, an appellate court may not overturn a verdict even if it believes that the trier of fact should not have found guilt based on the evidence before it. *Id.* at 507; see *State v. Toliver*, 104 Wis. 2d 289, 293-94, 311 N.W.2d 591 (1981) (“[T]he jury verdict must be upheld” where there “was sufficient evidence and reasonable inferences which could be drawn therefrom to justify a rational jury in finding the defendant guilty beyond a reasonable doubt on all the elements of [a] crime.”). “If more than one reasonable inference can be drawn from the evidence,” we will “adopt the inference that supports the verdict.” *State v. Mertes*, 2008 WI App 179, ¶10, 315 Wis. 2d 756, 762 N.W.2d 813. We consider the totality of the evidence when conducting a sufficiency of the evidence review. *State v. Smith*, 2012 WI 91, ¶36, 342 Wis. 2d 710, 817 N.W.2d 410 (A jury is not required to “ignore the larger picture so as to focus on each piece in a vacuum and ask whether that piece standing alone supports a finding of guilt.”). Whether the evidence is sufficient to support a conviction beyond a reasonable doubt is a question of law that we review *de novo*. *State v. Booker*, 2006 WI 79, ¶12, 292 Wis. 2d 43, 717 N.W.2d 676.

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; (2) 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.

A fair summary of the evidence in this case is that Adams was accused of attempting to contact H.K. by sending a Facebook message to H.K.'s daughter. Neither the existence of the injunction against Adams nor the existence of the purported message was disputed. What was disputed was that there was proof that Adams sent the message, or that the message was shown to be from a Facebook account owned or controlled by Adams.

Here, 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.

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 on this account or whose name was on the account. 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: November 28, 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 2319 words.

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

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