

**State of Wisconsin**

**Court of Appeals**

**District IV**

Appeal No. 2015AP001176

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City of Madison,

Plaintiff-Respondent,

v.

Jacob Ong,

Defendant-Appellant.

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**Appeal from a Judgment Entered in  
the Dane County Circuit Court,  
The Honorable Stephen E. Ehlke, presiding**

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**Appendix**

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Jacob Ong

110 N Bedford St Apt 1009

Madison, WI 53703

(650) 532-3289

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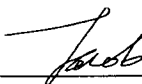
### Appendix Certification

I hereby certify that filed with this brief, either as a separate document or as a part of this brief, is an appendix that complies with § 809.19 (2) (a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; (3) a copy of any unpublished opinion cited under § 809.23 (3) (a) or (b); and (4) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using one or more initials or other appropriate pseudonym or designation instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Dated on 7<sup>th</sup> day of September, 2016

By: 

Jacob Ong

110 N Bedford St Apt 1009

Madison, WI 53703

(650) 532-3289

1           these instructions. Yeah, just the "or with intent,"  
2           add that.

3           All right. I'm going to give each of you five  
4           minutes or so to gather your thoughts, and then we'll  
5           come back in. I'll read the instructions -- well,  
6           first of all, we'll strike the alternate. Then I'll  
7           read the instructions to the jury, and then each of  
8           you will be allowed to make your closing remarks.  
9           Okay?

10           So we'll go off the record, I'll give you five  
11           or so minutes, and then I'll come back in.

12                               (Recess)

13                               (Jury enters courtroom at 3:59 p.m.)

14           THE COURT: Welcome back. Please be seated,  
15           everyone.

16           As you know, there are seven of you here. Only  
17           six of you are required by law to deliberate, so one  
18           of you will be chosen in just a moment as the  
19           alternate. And the statutes require that be done by  
20           random lot, which I do by mixing up your jury sheets,  
21           as you can see, in front of you, or in front of me,  
22           and then I shuffle them up and ask Dawn to pick one of  
23           them at random. And then that person becomes the  
24           alternate.

25           Mr. Uhlig, you are the alternate. So you are

1           THE COURT: Your objection is of record. And if  
2 I -- and if -- depending on what happened, if you  
3 wanted to appeal, the Court of Appeals could review  
4 this and determine whether I've exercised my  
5 discretion appropriately or not.

6           MR. ONG: Your Honor, can I reflect so that, you  
7 know, I wasn't aware that the order was made on  
8 Friday, like, for the witness list, that I had to  
9 submit a witness list. I am not a lawyer. This is my  
10 first time in trial. I don't know that there is such  
11 an order made, and I wasn't given a copy of such an  
12 order.

13          THE COURT: No. I think I said on the record  
14 that the witness lists and so forth were due by  
15 Thursday. Or I don't remember if I said Thursday or  
16 Friday, but I definitely said that week.

17          MR. ONG: Your Honor, I believe our pretrial  
18 conference is all off the record, so there wasn't any  
19 way I could --

20          THE COURT: It's -- is it in the minutes? I  
21 don't remember if we were on the record or off the  
22 record. I'd have to look.

23          But I remember -- I remember telling everybody  
24 to have things in by Thursday, I believe.

25          MR. ONG: Your Honor, if I may request that you





