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SUPREME COURT

STATE OF WISCONSIN
IN SUPREME COURT

Case No. 2019AP629

JAMA I. JAMA,

Plaintiff-Appellant,

v.

JASON C. GONZALEZ AND WISCONSIN LAWYERS
MUTUAL INSURANCE COMPANY,

Defendants-Respondents-Petitioners.

ON REVIEW OF A DECISION OF THE COURT OF
APPEALS, DISTRICT IV, REVERSING AN ORDER
ENTERED BY THE DANE COUNTY CIRCUIT COURT,
THE HONORABLE VALERIE BAILEY-RIHN
PRESIDING

RESPONSE BRIEF OF THE PLAINTIFF-APPELLANT

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INTRODUCTION

The Court of Appeals, following the public policy considerations of *Hicks*, *Tallmadge* and *Skindzelewski*, held that a criminal malpractice plaintiff¹ is not precluded from suing his former defense counsel so long as he alleges innocence to a criminal conviction for which he suffered damages; even if he cannot show innocence to every underlying criminal conviction for which he received representation. *Jama v. Gonzalez*, 2021 WI App 3, 395 Wis. 2d 655, 954 N.W.2d 1.

The matter in question can be classified as a “split innocence issue” where a criminal malpractice plaintiff has alleged innocence to at least one of his underlying convictions for which he suffered damages but does not allege innocence to a separate unrelated charge in the same criminal case.

Jama I. Jama (“Jama”) hired Jason C. Gonzalez (“Gonzalez”) to represent him in a Dane County criminal case. Jama has alleged that his former trial counsel negligently represented him as to two felony sexual assault charges, which caused him to serve over two and one-half years in prison and report as a sex offender in addition to other damages. Jama has consistently asserted he is innocent of these wrongful and now vacated convictions for which he was damaged. These well pleaded allegations are sufficient to withstand a motion to dismiss and the court of appeals correctly found as such reversing the circuit court and remanding for further proceedings. Jama’s legal malpractice claim is not precluded because he pleaded guilty to a separate misdemeanor theft conviction for which he served the maximum time authorized

¹ The Court of appeals used the term “criminal malpractice plaintiff” to refer to Jama and other persons who formerly faced criminal charges and now pursue civil remedies against his or her former defense counsel. *Jama*, 2021 WI App 3, 395 n.1. To maintain continuity, Jama’s brief now adopts this term to refer to Jama and persons similarly situated as criminal malpractice plaintiffs.

by statute and is causally unconnected to the sexual assault charges and negligent attorney conduct at issue.

The Petitioners' moving brief erroneously frames the appellate court's decision as creating an exception to the actual innocence rule and upsetting years of precedent. To the contrary, the court of appeals thoroughly analyzed Wisconsin's actual innocence rule and the underlying public policy concerns addressed in *Hicks*, *Tallmadge* and most recently *Skindzelewski*. The actual innocence rule has been part of Wisconsin's jurisprudence for nearly two decades and the appellate court's ruling does nothing to displace this long-held rationale. See *Hicks v. Nunnery*, 2002 WI App 87, 253 Wis. 2d 721, ¶34, 643 N.W. 2d 809. The court of appeals' decision maintained the actual innocence rule, clarified the previously unresolved issue of split innocence, and should be affirmed by this Court.

STATEMENT OF THE ISSUE

In order to satisfy the actual innocence element in a Wisconsin criminal legal malpractice suit, must a plaintiff allege innocence to every separate, underlying criminal conviction he received representation for, even if he does not seek recover for these causally unrelated convictions?

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

Oral argument is appropriate and the decision should be published.

STATEMENT OF THE CASE

I. Facts

Jama's malpractice action stems from the underlying criminal case, *State of Wisconsin v. Jama*, Case No. 12-CF-1759. (See R. 13:2-3). Gonzalez represented Jama during this

criminal proceeding in 2012. *Id.* In total, Jama was charged with five counts of criminal conduct: Count 1 – second degree sexual assault, Count 2 – third degree sexual assault, Count 3 – Burglary, Count 4 – Burglary, and Count 5 – theft. (*Id.* at 5). On September 5, 2014, Jama’s five-day trial resulted in verdicts of guilty on all five counts and he was taken into custody until his sentencing on December 4, 2014. *Id.* That same day, the presiding judge made a decision and order on the verdict finding that Gonzalez lacked a constant theory of defense or even a basic understanding of the rules of evidence. *Id.* Judge Berz set aside the verdicts for third degree sexual assault (Count 2) and both Burglary charges (Counts 3 & 4). *Id.* Judge Berz entered guilty verdicts for second degree sexual assault (Count 1) and theft (Count 5). (*Id.* at 5-6). On February 25, 2016, the Court of Appeals reversed Judge Berz’s dismissal of the third-degree sexual assault charge and remanded the case to the circuit court to reinstate the verdict on the sexual assault (Count 2). (*Id.* at 5); see *State v. Jama*, 2016 WI App 26, 367 Wis. 2d 748, 877 N.W.2d 650. The alleged criminal actions of sexual assault and theft were against a singular victim, but the alleged conduct occurred hours apart and consists of distinct and entirely separate acts. (R. 23:4).

After conviction, Jama was held for 284 days prior to sentencing. At sentencing Jama was sentenced to nine months (203 days) for his theft which the court ordered as time served and 6 years’ probation for his second-degree sexual assault. (R. 13:5-6). The additional 81 days served was credited to his felony convictions as good time. *Id.* Jama was ordered to register as a sex offender, probation, absolute sobriety, and eventually sat in prison for approximately two-and-a-half years as a result of the two sexual assault convictions for violating his probation. *Id.*

Through different counsel, Jama filed a post-conviction motion for a new trial based upon ineffective assistance of counsel, and a *Machner* hearing was scheduled. *Id.* On February 10, 2017, all five of Jama’s convictions were vacated due to ineffective assistance of counsel and a new trial was

granted. (*Id.* at 7). The court went so far as to say that Jama did not have anyone to advocate for him or present his facts, and admonished Gonzalez for failing to have a grasp of even cursory rules of evidence. *Id.* Jama was released from prison and on September 20, 2017, Count's 1 through 4 were dismissed on the Prosecutor's motion. *Id.* Jama pled guilty to only Count 5 (theft) of the original charges and resisting or obstructing an officer, a new count that Gonzalez never represented him on. *Id.* Jama's sentence for theft had no bearing on his probation sentence, the additional 81 days credit towards the sexual assault, or the 40-year sentence he was serving for parole violations, of which he served two-and-a-half years. Further, Jama was required to register as a sex offender, was not allowed to consume alcohol and was banned from State Street in Madison, Wisconsin for a crime he did not commit and has continually asserted his innocence. (R. 23:4).

II. Procedural History

Jama's complaint and subsequent amended complaint brought in the circuit court of Dane County alleged six claims for relief for legal malpractice against Gonzalez and his insurance provider (collectively the "Petitioners"), expressly identifying negligent actions and inactions in Gonzalez's representation. (R. 1; 13). Jama asserted that while he did commit a theft, he did not commit sexual assault. (R. 13, ¶¶ 12, 15, 17-18, 36, 47, 55; R. 23, at 7:3-10). Gonzalez moved for a motion to dismiss that was granted by the circuit court. (R. 14). The circuit court in its oral decision summarized the legal argument as follows: "[s]o then the question is under the current state of the law, is pleading guilty to one charge sufficient to prevent a legal malpractice in this situation?" (R. 23:4). The court further assumed for purposes of the motion to dismiss that the first four elements of a legal malpractice claim could be met by the pleadings. (*Id.* at 6-7). The court focused on the fifth and final element, proof of innocence. This element was established for criminal legal malpractice suits as public policy in *Hicks*. 253 Wis. 2d 721, ¶34. The circuit court identified and interpreted two cases in its decision, *Hicks* and

Tallmadge, and ultimately determined that despite Jama alleging innocence to the sexual assault charges, must assert “***proof of innocence of all charges***” in the underling criminal suit in order to survive a motion to dismiss. (emphasis added; R. 23, at pp. 5-7).

Jama appealed asserting the circuit court erred in its interpretation of *Hicks* and *Tallmadge* whose public policy analysis support his position that alleging innocence to two of his criminal convictions for which he suffered damages due to his attorney’s negligence is sufficient to state a cause of action for malpractice even if he does not assert innocence to separate, lesser conviction. After parties filed their appellate briefs, this Court accepted review in *Skindzelewski v. Smith*, 2020 WI 57, 392 Wis. 2d 117, 944 N.W. 2d 575, where a criminal malpractice plaintiff sought an exception to the actual innocence rule. After this Court issued its decision in *Skindzelewski*, the appellate court certified the split innocence issue raised in this case to the Supreme Court for its review and determination identifying this matter as a novel issue. See Petitioners’ Appendix, p.19. This Court denied the certification request and the court of appeals subsequently issued its decision reversing the circuit court’s dismissal and finding that Jama had sufficiently pleaded a cause of action citing the public policy analysis of *Hick*, *Tallmadge*, and *Skindzelewski* in support. *Jama*, 2021 WI App 3, ¶2. This Court granted review on March 24, 2021.

STANDARD OF REVIEW

The Court should uphold and affirm the court of appeals’ decision. The appellate court’s opinion does not disturb the long-standing actual innocence rule adopted by *Hicks v. Nunnerey* and its progeny. In fact, the appellate court’s decision carefully followed the reasoning and public policy analysis of *Hicks*, *Tallmadge* and *Skindzelewski*. While these cases do not directly confront the issue of split innocence, they provide a more than sufficient basis to support the appellate court’s well-reasoned findings. No precedent has been

overturned as the Petitioners incorrectly suggest. The court of appeals did not create an exception to the actual innocence rule but simply followed the public policy considerations of long held Wisconsin case law in its determination of a novel issue.

In general, whether a complaint states a claim upon which relief can be granted is a question of law for the Supreme Court's independent review; however, the Court benefits from discussions of the court of appeals and circuit court. *DeBruin v. St. Patrick Congregation*, 2012 WI 94, ¶10, 343 Wis. 2d 83, 816 N.W.2d 878. The factual allegations in the complaint are accepted as true for purposes of review. *Strid v. Converse*, 111 Wis. 2d 418, 422-23, 331 N.W.2d 350 (1983); *Data key Partners v. Permira Advisers LLC*, 2014 WI 86, ¶18, 356 Wis. 2d 665, 8749 N.W. 2d 693.

ARGUMENT

I. The court of appeals' decision correctly applied the public policy considerations stated in *Hicks*, *Tallmadge*, and *Skindzelewski* in finding Jama has stated a claim upon which relief can be granted.

The Court of Appeals' decision undertook a thorough analysis of Wisconsin's actual innocence rule under *Skindzelewski*, *Hicks*, and *Tallmadge*. *Jama*, 2021 WI App. 3, ¶¶18-38. The decision set forth current controlling precedent and found the public policy considerations of these seminal cases support Jama's position regarding the novel split innocence issue. Jama has successfully alleged a legal malpractice claim against his former attorney under the actual innocence rule. Jama has alleged innocence as to two wrongful convictions for which he suffered damage due to his attorney's negligence. If this decision is affirmed, Jama still bears the burden of proving his alleged innocence in order to recover, however, as the court of appeals found, public policy demands his well pleaded complaint move forward. *Id.* at ¶44.

A. The long held public policies behind the actual innocence rule are not disturbed by the appellate court's decision.

To prevail on a legal malpractice claim, a Wisconsin plaintiff must prove “(1) an attorney-client relationship existed; (2) the attorney’s actions were negligent; (3) the attorney’s negligent actions cause the client’s injury; and (4) the client suffered an actual injury.”² *Skindzelewski*, 392 Wis. 2d 117, ¶9. Affirming the public policy considerations first adopted by *Hicks*, this Court stated that in a criminal malpractice case, the plaintiff “must additionally prove that he [or she] was **actually innocent of the criminal charge** as a component of the causation element.” (emphasis added) *Id.*; *Hicks v. Nunnery*, 235 Wis. 2d 721, ¶46.

Jama’s amended complaint states that he: hired Gonzalez as his attorney (R. 13-3¶14); Gonzalez’s representation was negligent (R. 13, ¶¶16-24; 74-97); Gonzalez’s negligence caused Jama to be imprisoned for over two years among other damages (R. 13, ¶¶ R. 13, ¶¶42-43; 45-47; 62-63; 98); that Jama was actually injured as a result (R. 13, ¶¶42-43; 45-47; 62-63; 98); and that Jama did not commit and was innocent of the two sexual assault charges. (R. 13, ¶¶12; 15; 17-18; 36; 47; 55). The appellate issue in question focused solely on whether the actual innocence rule requires a criminal malpractice plaintiff to allege innocence to every underlying criminal charge he received representation for. *Jama*, 2021 WI App 3, ¶16.

The *Hicks* court cited five public policy concerns in support of the actual innocence rule, which all concern “guilty” defendants. *Hicks*, 253 Wis. 2d 721, ¶¶40-44; see *Jama*, 2021 WI App 3, ¶25. Jama does not seek to challenge the principle holding of *Hicks* that persons “**who actually commit**” the criminal offense for which they are convicted should not be

² The circuit court found the first four elements of a legal malpractice claim could be met by the pleadings and focused solely on the actual innocence rule established by *Hicks*. (R. 23:6-7).

allowed to recover. *Hicks*, 253 Wis. 2d 721, ¶48 (emphasis added). However, this public policy is not served when a person did not actually commit the criminal offenses subject to a malpractice action. See *Jama*, 2021 WI App 3, ¶24. The court of appeals succinctly explained:

As for the only criminal conduct of which Jama stands convicted, he would neither profit from that conduct nor escape punishment for it. However, Jama has not been afforded the opportunity to seek full relief for the damages caused by his attorney's alleged negligence as to the vacated convictions for charges of which Jama claims he is innocent.

Id. at ¶25. Hypothetically speaking, had Jama attempted to recover from Gonzalez for his theft conviction he would be rightly precluded under the actual innocence rule. However, Jama has not sought such recover and the public policy concerns in *Hicks* do not preclude Jama from pursuing separate claims related to his sexual assault convictions where he has asserted his innocence, negligence and damages.

The appellate court's decision similarly examined the public policy concerns addressed in *Tallmadge v. Boyle*, which applied the actual innocence rule five years after *Hicks*. 2007 WI App 47, 300 Wis. 2d 510, 730 N.W.2d 173. The issue in *Tallmadge* centered on the causation element and whether Tallmadge could prove his attorney's actions caused him recoverable injury. *Id.* at 181. Tallmadge, while still in prison, brought claims against his appellate attorney for failing to timely file a writ of habeas corpus for three of his fifteen convictions. *Id.*, ¶¶10, 16-17.

Unlike the present matter, Tallmadge's claims were dismissed at the summary judgment stage and were reviewed under the summary judgment standard. *Id.*, ¶12, 14. Jama has not yet had the opportunity to enter evidence of his innocence as the circuit court dismissed his case at the pleading stage. (R. 23, at 7:3-10). Already, Jama has shown more than what Tallmadge could in that Jama had his convictions vacated and

he was freed from prison. (R. 13:5-7). The ultimate goal of Tallmadge's writ of habeas corpus was to receive a new trial and to get out of prison. *Id.* at. 181. This could not be accomplished and therefore, Tallmadge was not damaged as a result of the negligent untimely filing. *Id.*

The Petitioners' brief continually asserts the court of appeals departed from an undefined "bright-line actual innocence rule." See Petitioners' Brief, pp. 13-14;17-18. Such a phrase is found nowhere within Wisconsin case law because a "bright-line" standard regarding the split innocence issue did not exist prior to the appellate court's decision. See Wis. Stat. § 752.41(2). The careful public policy considerations in *Hicks*, *Tallmadge*, and *Skindzelewski* provide ample support for Jama's position and are the foundation for the court of appeals decision. This Court should affirm.

B. This Court's reasoning in *Skindzelewski* supports the appellate court's finding in favor of Jama's split innocence argument.

Last year in *Skindzelewski v. Smith*, this Court affirmed the *Hicks* actual innocence rule stating the rule "requires a criminal [malpractice plaintiff] to establish [that he or she] did not commit the crime of which he [or she] was convicted." 392 Wis. 2d 117, ¶2. *Skindzelewski* was a criminal malpractice plaintiff who conceded his guilt as to the underlying offense of "theft by contractor," but sought an exception to the actual innocence rule as his trial attorney had failed to raise a statute of limitations defense that would have prevented his conviction. *Id.*, ¶¶1-3, 17. This Court declined to create an exception to the actual innocence rule as it would be contrary to public policy considerations and would "reward criminality."

The Court of Appeals identified the material distinction between *Skindzelewski* and Jama:

Skindzelewski's claim rests on a legal error that would have precluded his conviction notwithstanding his guilt. In contrast, Jama alleges that his injury is entirely unrelated to [his] criminal behavior and rests on legal errors that led to a conviction as to which he asserts his innocence.

Jama, 2021 WI App 3, ¶35 (internal citations omitted).

Hicks and *Skindzelewski* emphasize the primary public policy upheld by the actual innocence rule is to prevent “actually guilty” parties from receiving a reward for their criminality. *Skindzelewski*, Wis. 2d 117, ¶17. Skindzelewski admitted to the crime for which his defense counsel provided negligent representation. Unquestionably Skindzelewski's attorney was negligent in his defense but Skindzelewski could not allege innocence to the underlying conviction for which he sought damages. In stark contrast, Jama has asserted his innocence of the two sexual assault convictions for which he received negligent representation that directly caused his damages. (R. 13, ¶¶12; 15; 17-18; 36; 47; 55). Jama does not seek a reward for criminality because he has adequately alleged no criminal conduct occurred regarding the sexual assault charges and his complaint should be allowed to proceed.

Jama only seeks damages for his imprisonment and injuries directly attributable to the sexual assault convictions. In *Skindzelewski*, this Court anticipated a similar scenario when it addressed causality and culpable criminal behavior, finding an attorney's error does not:

sever the casual link between a criminal defendant's culpable behavior and the time spent incarcerated, when the criminal defendant is actually guilty ... In contrast, if a defendant ... serves the maximum time authorized by statute for his [or her] criminal conduct but then serves additional time as a result of his [or her] attorney's error, the additional time of incarceration is casually unconnected to the antecedent criminality.

392 Wis. 2d 117, ¶¶17-18.

Jama's damages for the wrongful sexual assault convictions are causally unrelated to his misdemeanor theft conviction. Jama was sentenced on the misdemeanor theft to "time served" with 202 days of pre-sentence credit. (R. 13-5). Jama served the maximum time authorized by statute for his theft conviction. *Id*; See Wis. Stat. Ann. § 943.20(1)(a). The subsequent damages of probation, over two years of incarceration, absolute sobriety, and requiring Jama to report for the sex registry are only attributable to his wrongful sexual assault convictions. Misdemeanor theft and felony sexual assault are clearly distinguishable not only by the acts required to commit them but how our justice system defines and punishes them.³ There is no link between Jama's theft conviction for which he served his full punishment and the damages he sustained for wrongful sexual assault convictions other than Gonzalez represented him on all these charges.

To preclude Jama from pursuing his claims against Gonzalez's negligent defense of the sexual assault charges due to separate theft conviction would create an arbitrary nexus between unrelated criminal acts. Such foreclosure would in essence impose additional punishment on Jama for his theft conviction not contemplated in sentencing, the Wisconsin criminal code or controlling public policy analysis. Such considerations run afoul of the public policy considerations in *Hicks* and *Skindzelewski* which seek to preclude only those who are "guilty" from seeking legal malpractice awards. Jama assertion of innocence to his sexual assault convictions is sufficient to satisfy the actual innocence rule and public policy concerns upheld in *Skindzelewski*.

³ The distinction between the offenses of sexual assault and theft cannot be overstated. Second Degree sexual assault is a class C felony under Wisconsin criminal code punishable by up to 40 years in prison while theft of movable property under \$2,500 is a class A Misdemeanor punishable by up to 9 months in prisons. Compare Wis. Stat. Ann. § 940.225(2)(cm) (Maximum incarceration for conviction of this offense is 40 years), with Wis. Stat. Ann. § 943.20(1)(a) (Maximum incarceration for conviction of this offense is 9 months).

C. Petitioners' request to narrow the scope of the court of appeals decision fails to cite any controlling case law and should be disregarded.

The Petitioners ask the Supreme Court of Wisconsin to blindly adopt the California Court of Appeals decision of *Wilkinson v. Zelen*, which created a “transactionally related” approach to the split innocence issue. Cal Rptr. 3d 779 (Cal. Ct. App. 2008); see Petitioners’ Brief, p. 19-21; 83. This request is problematic for a litany of reasons but most prevalent is that adoption of this out-of-jurisdiction case would still support Jama’s position that he has asserted a valid claim of legal malpractice under the actual innocence rule.

Wilkinson is premised on the California rule that a criminal malpractice plaintiff must prove actual innocence by first obtaining postconviction exoneration. *Id.* Jama has met this elevated standard as he has obtained postconviction exoneration for the sexual assault convictions. (R. 13:5-7). Jama no longer sits in prison for a crime he did not commit due to his successful post-conviction motions. Other than creating an additional and unnecessary roadblock for future criminal malpractice plaintiffs the Petitioners’ argument serves no purpose. The Petitioners fail to offer a detailed explanation of what “connected”, or “transactionally related” criminal conduct would consist of under this rule. This request asks the court to create yet another complicated and arbitrary distinction without any controlling case law as support.

The Petitioners questioned why the court of appeals “parted ways with California’s courts without explanation.” (Petitioners Brief, at p. 21). The answer is simple, Wisconsin’s actual innocence rule is separate and distinct from California’s rule and this State’s appellate court is not beholden to a foreign jurisdiction’s findings. While the split innocence issue was not explicitly addressed in previous Wisconsin case law, the substantial public policy analysis provided by *Hicks*, *Tallmadge*, and *Skindzelewski* serve as well-reasoned guidance which the court of appeals utilized in its decision. This Court

should decline to nitpick a meticulously researched and reasoned decision and affirm.

II. Jama's has sufficiently alleged that he is innocent of the sexual assault charges for which he seeks recovery.

Prior to the Petitioners' petition for certiorari, the issue of whether Jama sufficiently alleged innocence to the sexual assault charges was never asserted. This brand-new argument is meritless and strains all credibility as Jama's amended complaint clearly asserts that Jama is innocent of the the sexual assault charges against him:

- "Jama denied assaulting [the alleged victim]" (R. 13, ¶12).
- "That Jama informed Gonzalez that he committed the theft of property but did not commit the sexual assault or burglary." *Id.* ¶15
- "That during this meeting, Jama told Gonzalez he had consensual sex with [the alleged victim] and that she let him into her apartment." *Id.* ¶17.
- "That Gonzalez never talked to Jama about his defense or presented actual facts showing Jama's encounter with [the alleged victim] was consensual and that a burglary could not have occurred as video evidence showed [the alleged victim] allowed Jama into the apartment." *Id.* ¶18.
- "Jama was innocent of these four charges in the eyes of the law and this issues has essentially already been proven." *Id.* ¶36.

- “Testifying would have allowed the Plaintiff to tell his side of the story and that he and [the alleged victim] had consensual sexual relations, and that Jama took the gaming system.” *Id.* ¶47.
- “... Plaintiff asserted the sex was consensual and that he took the gaming device.” *Id.* ¶ 55

Further, the circuit court after reviewing the amended complaint and motion to dismiss pleadings, found that Jama clearly alleged his innocence to the sexual assault charges:

In a criminal matter, there has to be proof of innocence of all charges. And because Mr. Jama pled guilty to the theft charge, *even though he claimed and is taking the position that he has always claimed that he was innocent of the sexual assault charges*, I do find that the defendants have prevailed on their motion to dismiss, and I will dismiss the matter.

(R. 23, at 7:3-10) (emphasis added). The Petitioners now bring a challenge to this finding, undermining the very circuit court decision they wish to uphold. Any argument suggesting that Jama has not alleged his innocence of the sexual assault charges is absurd and should be disregarded by the court.

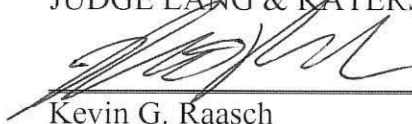
CONCLUSION

For the foregoing reasons, the decision of the court of appeals should be affirmed.

Dated this 17th day of May, 2021.

Respectfully submitted,

JUDGE LANG & KATERS, LLC

A handwritten signature in black ink, appearing to read 'Kevin G. Raasch', is written over a horizontal line.

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CERTIFICATION AS TO FORM/LENGTH

I hereby certify that this brief conforms to the rules contained in § 809.19(8)(b) and (c) for a brief produced with a proportional serif font. The length of this brief is 4,210 words.

Dated this 17th day of May, 2021.


Kevin G. Raasch**CERTIFICATE OF COMPLIANCE
WITH RULE 809.19(12)**

I hereby certify that:

I have submitted an electronic copy of this brief, excluding the appendix, if any, which complies with the requirements of § 809.19(12).

I further certify that:

This electronic brief is identical in content and format to the printed form of the brief filed on or after this date. A copy of this certificate has been served with the paper copies of this brief filed with the court and served on all opposing parties.


Kevin G. Raasch