



Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

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A. John Voelker
Director of State Courts

February 3, 2010

Mr. David R. Schanker, Clerk
Wisconsin Supreme Court
Madison, WI 53701-1688

Re: Petition 09-07, Petition of the State Bar of Wisconsin to Modify SCR 72

Dear Mr. Schanker:

On behalf of the Director of State Courts Office, I am providing comments on Supreme Court Rule Petition 09-07, proposing changes to Supreme Court Rule 72, *Retention and Maintenance of Court Records*. The State Bar of Wisconsin asks the Supreme Court to use the administrative process of managing court records as a vehicle to address the concern regarding the misuse of court information.

The issues regarding the expunction of records and public accessibility of the court record are long standing. While there have been a variety of attempts to address these issues, satisfactory solutions have been elusive. The difficulty of the issue was captured by State Representative Robin Vos in his memo adjourning the 2006 Legislative Council Special Committee on Expunction of Criminal Records without recommendations: "The issues are numerous, complex and fundamental and present difficult public policy choices. To adequately deal with these issues, it may ultimately be necessary to consider them in a context much broader than civil and criminal records." The Court will have to consider these difficult public policy choices as it reviews this petition. To assist in your review, I have highlighted some of the past efforts in this area and the complexities that exist.

EXPUNCTION

Expunction (also called expungement) of court records is governed by both statutes and court rules. It is a longstanding policy issue that has been subject to re-examination and debate over the years. It assumed added significance when court records became available through the Wisconsin Circuit Court Access (WCCA) website in 1999.

Legislative efforts: Wis. Stats. §973.015 allows expunction of misdemeanor offenses and certain low-level felonies for nonviolent offenders under 25. Wis. Stats. §938.355

allows expunction of juvenile adjudications when the person reaches the age of 17. These statutes currently govern the substantive issue of when expunction is available to certain offenders.¹

§973.015 was created by the legislature in 1975 and has been amended three times, along with several pieces of clarifying legislation. Proposals to change the expunction statute have been introduced during recent legislative sessions (2005 AB 280 and 2007 AB 891 / SB534), but have failed to pass.

In 2006, at the request of a court system committee and the Director of State Court's office, the Legislative Council convened an interim Special Committee on Expunction of Criminal Records. This committee was:

directed to study the circumstances under which records related to civil forfeiture and criminal proceedings may be expunged by Wisconsin courts and other record custodians. The circumstances to be considered include whether a record subject is a first offender, the age of the record subject, the time that has elapsed since the proceeding was commenced or the record subject was convicted, and the nature or seriousness of the crime or violation.

After three spirited meetings, the committee was permanently adjourned without agreeing on recommendations or draft legislation.

Most recently, the legislature amended §973.015 as part of the Governor's budget bill, 2009 Act 28. Expunction was made available to offenders up to the age of 25. Some low-level felonies were added, depending on the nature of the offense and the offender's prior record. See Attachment A for these changes.

Court efforts. The Supreme Court Rules currently address how a court record is expunged. SCR 72.06 provides that expunction of court records shall be accomplished by removing the paper index and nonfinancial records, removing all electronic

¹ §973.015 and §938.355 were intended to provide a break to young offenders who demonstrate the ability to comply with the law, and to provide "a means by which trial courts may, in appropriate cases, shield youthful offenders from some of the harsh consequences of criminal convictions." *State v. Leitner*, 2002 WI 77 ¶38, 253 Wis.2d 449, quoting *State v. Anderson*, 160 Wis.2d 435, 441 (Ct. App. 1991). "But nothing in the language or history of § 973.015 indicates that the legislature intended record expunction under § 973.015 to wipe away all information relating to an expunged record of a conviction or to shield a misdemeanor from all of the future consequences of the facts underlying a record of a conviction expunged under § 973.015." *Leitner* points out the substantial advantages to the offender: an expunged record of a conviction cannot be considered at a subsequent sentencing, an expunged record of a conviction cannot be used for impeachment at trial, and an expunged record of a conviction is not available for repeater sentence enhancement. *Id.* at ¶39.

nonfinancial records except the case number, sealing the entire case file and keeping it until the end of the applicable retention period. SCR 72.05(L) provides additional instruction for electronic records. These rules were developed by the court's Records Management Committee.

The Director of State Courts Office has twice convened the Wisconsin Circuit Court Access (WCCA) Oversight Committee to address issues that have arisen since court records became available on the internet in 1999. Both committees were multi-disciplinary, including judges, legislators, clerks of court, law enforcement, press representatives, prosecution and defense attorneys, DCAs, privacy advocates, the Director of State Courts and Chief Information Officer. The first was convened in 2000 and worked for two years to develop the director's *Policy on Disclosure of Public Records on the Internet*.

In 2005, the director reconvened the committee to review and modify internet policies based on experience gained in the intervening years by Wisconsin and other state court systems. This committee discussed expunction and retention issues extensively, issuing a report in March 2006, found at <http://wicourts.gov/about/committees/wcca.htm>.

The State Bar expresses concern that information contained in court records "can be easily misunderstood or misused by landlords, license providers and employers". The second WCCA Oversight Committee discussed these specific concerns and recommended a number of significant changes to the internet display to address such concerns. The committee talked about the wide range of individual complaints that repeatedly come up with online court records – employers misread my record, landlords won't rent to me, it's a different Steve Smith, people assume I'm guilty even though my case was dismissed, I'm in danger because my home address is displayed, why can't my case be expunged if it was dismissed. After discussing these issues, the committee decided that court records should generally remain complete and open, including all aspects of charge history and outcome. While they were sympathetic to the problems, they decided that the public would be best served by adding information, not taking it away.

Therefore, the committee recommended clarifying the information available on the WCCA website and creating new forms to correct or seal information in limited circumstances:

- Adding an "executive summary" for criminal cases, an opening page that summarizes the outcome and legal meaning of the case. This is intended to explain dismissed and expunged cases, among others. See Attachment C for an example of an executive summary.
- Creating a form to seal address information online upon a specific showing of threat to the individual.
- Creating a form to correct factual errors appearing in the court record (not the judge's factual findings or legal errors).
- Creating two forms to deal with the mistaken identity and identity theft.

The committee recognized that the expunction law raised substantive issues and deserved further study. Because the availability of expunction has traditionally been a legislative matter, the committee recommended that the Legislature study and act on the issues of expunction and "second chance" legislation. See Attachment B for a list of the 2005 WCCA Oversight committee members and the committee's recommendations to the legislature.

Policy questions. Given the complexities and competing interests that must be balanced in determining a sound approach to expunction, it is not surprising that the State Bar's petition raises some of the same difficult policy issues faced by the WCCA Oversight committee and legislative study committee in addressing court record availability. These issues include at least the following:

- ***Judicial v. legislative decisions***

As noted above, the statutes address the question of when expunction should be available, i.e., which defendants should have the right to expunction. The Supreme Court Rules in contrast address how expunction is to be accomplished, in terms of restricting access to the court record. If the Supreme Court decides to use the rule-making process to expand the availability of expunction, it is reasonable to expect that further proposals to expand or limit the right to expunction will be brought by petition to the Court.

The State Bar's proposal creates a conflict with the recent changes to §973.015. Legislatively, expunction is limited to defendants under the age of 25, found guilty of misdemeanors or certain nonviolent low level felonies, with no prior felony record. By statute, expunction is ordered at the time of sentencing. In contrast, the proposed rule makes expunction available after the minimum retention time for the type of case "represented by the final disposition of the matter," and upon acquittal or dismissal of the case. Expunction under this proposal would be available to an offender of any age, for any criminal offense, violent or not, regardless of the offender's criminal record. A motion for expunction apparently could be brought at any time after sentencing. The proposed rule appears to be in direct conflict with the statute.

- ***Other sources of information***

Expunction may reduce but does not eliminate the problem of misuse of court information. There are at least two ways an interested party may obtain information after court records are expunged. First, the official source for a thorough criminal background check is the Wisconsin Department of Justice Crime Information Bureau (CIB). CIB maintains Wisconsin records for arrests, convictions, warrants and restraining orders, as well as information from other states. CIB records are used by many employers,

licensing agencies, law enforcement, and others. Expunction of a court record will not remove a record from CIB as long as there has been a conviction.²

Second, private for-profit information brokers purchase and sell information from many sources, including from the WCCA website. This information is updated regularly (in some cases daily). If information appears on the website for any length of time, it can be captured and kept indefinitely by the information broker, even if it is later expunged or otherwise changed. These services are already used by landlords, employers, credit bureaus, investigators and others. Taking information off the court website increases the value of the information maintained by private brokers.

▪ ***Legitimate Public Interest in Access***

The State Bar petition implies that there is little or no legitimate public interest in dismissed cases. Many have disagreed, including law enforcement and the press. The second WCCA Oversight Committee discussed at length the question of whether voters' access to information on DA charging practices outweighs the harm to defendants caused by having acquittals and dismissals available to the public. The second WCCA Oversight Committee reached the same conclusion as this court did in *Newspapers, Inc. v. Breier*, 89 Wis.2d 417, 436-37 (1979):

The power to arrest is one of the most awesome weapons in the arsenal of the state. It is an awesome weapon for the protection of the people, but it is also a power that may be abused. In every case, the fact of an arrest and the charge upon which the arrest is made is a matter of legitimate public interest. The power of arrest may be abused by taking persons into custody on trivial charges when charges of greater magnitude would be appropriate. The power of arrest may be abused by overcharging for the purpose of harassing individuals and with the expectation and intent that the initial charge will be dismissed or substantially reduced. In any event, curbing abuse of the arrest power is only possible if the public can learn how that power is exercised.

▪ ***Public Trust and Confidence***

It is an ongoing challenge to balance privacy concerns and possible misuse of information with the openness that engenders public trust in the justice system. If information maintained by the courts appears to be inaccurate, it can be challenged, explained, and corrected. Once it is available only from a vendor that is no longer the case. Allowing more court records to be obscured at an earlier date may reduce public trust and confidence in the courts.

² Other than in court records, statutory expunction is not intended to remove all references to the expunged offense. See *State v. Leitner*, 2002 WI 77 at ¶¶38-39.

RETENTION

The origins of SCR 72 are in *the Wisconsin Recordkeeping Project Final Report* (National Center for State Courts, November 1982). This report addressed procedures to support the integrity, accuracy, availability and security of court records, including a retention-disposition cycle based on the legal and business need for court records by case type. Since that time, the Retention Subcommittee of the Records Management Committee has drafted the record retention petitions that the Supreme Court has acted on over the years.

The second WCCA Oversight Committee discussed how the retention times set by SCR 72.01 should be applied to court records on the website. They recommended that case records be automatically removed from the internet site when they reach the minimum retention period set by SCR 72, based on the case type at filing, and this policy has been implemented. See the committee's report, recommendations 27 and 28.

As noted above, the proposed change in retention times will not preclude the availability of the records through private information brokers.

CLARIFICATIONS REQUIRED

The petition raises a variety of questions that will need to be clarified if the petition is to be adopted.

- Dismissal of "read-in" charges - Under §973.20(1g)(b), a read-in charge is dismissed as part of a plea agreement, and the defendant agrees to be held responsible for and have the court consider the charge(s) when sentencing for another crime. The defendant cannot be prosecuted for these charge(s) in the future. Because read-in charges are technically dismissed, will they be eligible for expunction even when the related conviction is not?
- Expunction of individual charges - The retention section of the petition provides that, "For. . . cases with multiple counts, the longest retention period for any one count after final disposition applies to all counts in that case." The expunction section of the petition is less clear, referring to "a court record" as opposed to a case. If one count is dismissed in a multi-count case, does the change to SCR 72 permit expunction be granted as to that count only?

Requests for expunction of a single count have been made in the past. This has usually been denied because of the wording of the rule and because it would require a complex manual redaction of the original complaint, judgment of conviction, court record, and transcript. If the Supreme Court addresses the expunction portion of the petition, the rule should clarify that expunction applies to cases rather than charges or counts.

- Municipal courts – Because of the inclusion of dismissed ordinance violations, will expunction provisions apply to municipal courts? This will be a new recordkeeping procedure for them.
- Case types affected - The retention section of the petition clearly applies only to criminal and ordinance cases, but this limitation is not clear in the expunction section. Are other dismissed cases subject to expunction? In particular, should expunction be available for TRO/Injunction cases? This has been requested in the past and is a particular concern for orders of protection, where the petitioner may be inappropriately prevailed upon to recant and agree to dismissal and expunction. Also, the majority of large claim civil cases are closed by a stipulation and order to dismiss. This is usually considered a settlement but is technically a dismissal. Will these cases be subject to expunction? Should expunction be allowed for forfeiture cases?
- Notification of Department of Justice– The proposal would add new 72.06(e), requiring the court to “notify the Department of Justice of the expunction of the court record pursuant to §165.83(2)(A)” (*sic*). This section is unnecessary; an electronic interface between DOJ and the court system has provided this information promptly and accurately as required by statute, for more than 10 years.
- Clerk’s records vs. CCAP records – The State Bar’s memorandum, page 5, lines 1 and 2, refers to “a record maintained by the Clerk of Courts (as well as a record maintained by CCAP) for any case.” Contrary to this implication, the clerk’s record and records maintained by CCAP are one and the same. Electronic records maintained by CCAP are records the clerk is required to keep by Wis. Stats. 59.40(2)(b)&(c) and other statutory sections. When a change is made to the underlying hard copy or electronic court record, the change is reflected at all access points to the court record.

WORKLOAD IMPACT

The State Bar’s proposal would allow expunction for dismissals and acquittals upon a finding by the court that the party would benefit and society would not be harmed. An analysis of case dispositions that occurred in 2008 reveals that cases were dismissed at the following rates: 18% of felonies (7,180 cases statewide), 22% of misdemeanors (26,667 cases statewide), 5.5% of traffic forfeitures (22,397 cases statewide), and 7.5% of non-traffic forfeitures (5,930 cases statewide). One would expect that a number of these defendants would move for expunction immediately upon dismissal or acquittal. Others would request expunction of already closed cases. So an unknown number of additional hearings would be required.³

³ Note that criminal cases may include charges that were dismissed and read-in. If this court decides that read-in charges are not eligible for expunction, the number of cases would be smaller.

The State Bar's proposal sets retention times for criminal and forfeiture cases based on the most serious offense of which the defendant was convicted. Of cases opened in 2005⁴, approximately 18% of felonies and misdemeanors, or 29,000 cases per year, will be subject to a shorter retention period under this proposal. For new cases going forward, clerks of circuit court will need to design new tracking and filing systems to accommodate the change. New cases are not expected to have a significant workload impact on the clerk's office.

SCR 72.01 retention times apply to all records, past and present, currently held by the clerk of circuit court. Application of these requirements to all existing court records will take an unknown amount of time for clerks of circuit court to fully implement.

As documented, the issue of court record availability is significant and complex. As noted in the Conference of Chief Justices and Conference of State Court Administrators *Public Access to Court Records: Guidelines for Policy Development*⁵, access policies must "address the concern that the proper balance is maintained between public access, personal privacy, and public safety, while maintaining the integrity of the judicial process." The Court will need to keep this balance in mind as it considers the State Bar petition.

Sincerely,

A. John Voelker
Director of State Courts

AJV/MV/lai
Enc.

⁴ The year 2005 was used because virtually 100% of criminal cases filed that year were closed when the query was run. This provided a complete year of criminal cases, from filing to disposition. This was used to estimate the number of criminal cases filed in a year that would be affected by retention rule change proposed in the State Bar.

⁵ <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/tech&CISOPTR=105>

Attachment A

2009 Assembly Bill 75

- 627 -

2009 Wisconsin Act 28

Vetoed
In Part

[REDACTED]

SECTION 3384. 973.015 (title) of the statutes is amended to read:

973.015 (title) ~~Misdemeanors, special~~ **Special disposition.**

SECTION 3385. 973.015 (1) (a) of the statutes is amended to read:

973.015 (1) (a) Subject to par. (b) and except as provided in par. (c), when a person is under the age of ~~21~~ **25** at the time of the commission of an offense for which the person has been found guilty in a court for violation of a law for which the maximum penalty is ~~period of imprisonment for one year or less in the county jail is 6 years or less,~~ the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines the person will benefit and society will not be harmed by this disposition. This subsection does not apply to information maintained by the department of transportation regarding a conviction that is required to be included in a record kept under s. 343.23 (2) (a).

SECTION 3386. 973.015 (1) (c) of the statutes is created to read:

973.015 (1) (c) No court may order that a record of a conviction for any of the following be expunged:

1. A Class H felony, if the person has, in his or her lifetime, been convicted of a prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2) (bm), or is a violation of s. 940.32, 948.03 (2) or (3), or 948.095.

2. A Class I felony, if the person has, in his or her lifetime, been convicted of a prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2) (bm), or is a violation of s. 948.23.

SECTION 3386m. 973.017 (2) (a) of the statutes is repealed.

SECTION 3387. 973.017 (6) (a) of the statutes is amended to read:

973.017 (6) (a) In this subsection, "person responsible for the welfare of the child" includes the child's parent, stepparent, guardian, ~~foster parent,~~ or treatment foster parent; an employee of a public or private residential home, institution, or agency; any other person legally responsible for the child's welfare in a residential setting; or a person employed by one who is legally responsible for the child's welfare to exercise temporary control or care for the child.

SECTION 3387m. 973.017 (10) of the statutes is repealed.

SECTION 3387l. 973.031 of the statutes is created to read:

973.031 **Risk reduction sentence.** Whenever a court imposes a sentence for a felony under s. 973.01, the court may order the person to serve a risk reduction sentence if the court determines that a risk reduction sentence is appropriate and the person agrees to cooperate in an assessment of his or her criminogenic factors and his or her risk of reoffending, and to participate in programming or treatment the department develops for the person under s. 302.042 (1). This section does not apply if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235, 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a) or for a felony murder under s. 940.03, an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense related to ethical government, as defined in s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s).

SECTION 3388. 973.045 (1) (a) of the statutes is amended to read:

973.045 (1) (a) For each misdemeanor offense or count, ~~\$60~~ **\$67.**

SECTION 3389. 973.045 (1) (b) of the statutes is amended to read:

973.045 (1) (b) For each felony offense or count, ~~\$85~~ **\$92.**

SECTION 3390. 973.045 (1r) (a) 2. of the statutes is amended to read:

973.045 (1r) (a) 2. Part B equals ~~\$20~~ **\$27** for each misdemeanor offense or count and ~~\$20~~ **\$27** for each felony offense or count.

SECTION 3391. 973.045 (2m) of the statutes is amended to read:

973.045 (2m) The secretary of administration shall credit part A ~~and 26 percent of part B~~ of the crime victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and ~~74 percent of part B~~ to the appropriation account under s. 20.455 (5) (gc).

SECTION 3391c. 973.045 (2m) of the statutes, as affected by 2009 Wisconsin Act ... (this act), is repealed and recreated to read:

973.045 (2m) (a) The secretary of administration shall credit to the appropriation account under s. 20.455 (5) (gc) the first \$20 of part B of the crime victim and witness surcharge.

(b) The secretary of administration shall credit to the appropriation account under s. 20.455 (5) (g) part A of the crime victim and witness surcharge and any part of part B of the crime victim and witness surcharge that remains after the secretary of administration complies with par. (a).

SECTION 3392. 973.05 (2m) (r) of the statutes is amended to read:

Attachment B

Committee Members

Content/Access Subcommittee

Mr. John Barrett
Clerk of Circuit Court, Milwaukee Co.

Ms. Jean Bousquet, C I O
Director of State Courts Office

Attorney Mary Burke
Assistant Attorney General

Hon. Gary Carlson
Circuit Court Judge, Taylor Co.

Ms. Carole Doeppers
Government Privacy Consultant

Hon. Charles (Chuck) Kahn, Jr.
Circuit Court Judge, Milwaukee Co.

Mr. Bill Lueders, President
Wisconsin Freedom of Info. Council

Mr. Gregg Moore, DCA
10th Judicial District

Attorney Gerald Mowris
Pelino, Rosen, Mowris & Kirkhuff

Sheriff Randy Roderick
Green County

Mr. Jeff Schmidt
Clerk of Circuit Court, Ozaukee Co.

Representative Marlin Schneider
Wisconsin State Assembly

Retention/Accuracy Subcommittee

Attorney Larry Bensky
Stafford Rosenbaum

District Attorney Richard DuFour
Marquette County

Ms. Carolyn Evenson
Clerk of Circuit Court, Waukesha Co.

Mr. Peter Fox, Executive Director
Wisconsin Newspaper Association

Representative Donald Friske
Wisconsin State Assembly

Ms. Sheryl Gervasi, Deputy Director
Office of Court Operations

Mr. John Laabs, President
Wisconsin Broadcasters' Association

Ms. Kathleen Murphy, DCA
8th Judicial District

Police Chief Rick Myers
City of Appleton P.D.

Hon. Dale Pasell
Circuit Court Judge, LaCrosse Co.

Hon. Ralph Ramirez
Circuit Court Judge, Waukesha Co.

Attorney Kelli Thompson
Assistant State Public Defender

From WCCA-OC Final Report and Action Plan

Recommendation 13: The Director of State Courts should request the Legislative Council to study the issues of expunction and “second chance” legislation, and note that committee members would offer their services

The committee recognizes that there are problems with the current expunction law and that people’s lives are being affected. It was noted that the legislature, by enacting the misdemeanor expunction law, has recognized that some people deserve a second chance. It was also noted that the issues are complex and need more study.

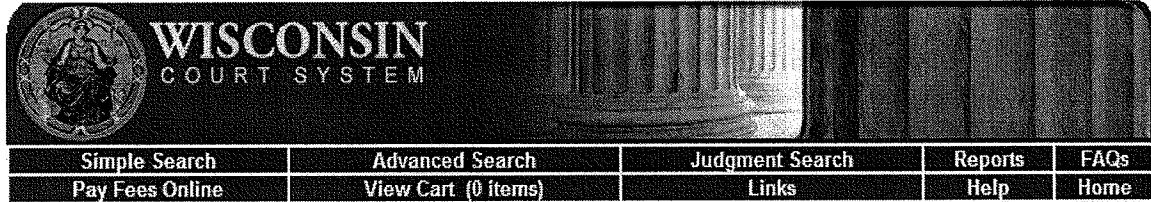
Recommendation 14: Concerning expungement and sealing of records, the current WCCA policy is acceptable, although if the expunction laws are changed or new case law is promulgated, this issue should be revisited at that time. Also, the Records Management Committee should be asked to create a mandatory form to formalize the procedures and criteria set in case law for sealing documents or cases

Expunction is regulated by Wisconsin statutes and is available as an option in limited situations. If a record is expunged, it is deleted from WCCA except for very basic skeletal information. The power of a judge to seal a single case or document is within the circuit court’s inherent powers, but the judge needs to determine that the reason for closure outweighs the right for the public to know. Given the strong state policy favoring openness, documents or cases are only rarely sealed. Following a detailed explanation of how CCAP software handles the sealing of records, the committee agreed that no changes are necessary.

For purposes of public accountability, WCCA will display the name of the judge who ordered the case or document to be sealed. The committee agreed that it would be helpful to have a standardized, statewide procedure for petitioning to have a record sealed.

<p>13. The Director of State Courts should request the Legislative Council to study the issues of expunction and “second chance” legislation, and note that committee members would offer their services</p>	<p>This request was submitted to the Legislative Council. The Legislative Council is proceeding with a study on the expunction of criminal records.</p>
<p>14. Concerning expungement and sealing of records, the current WCCA policy is acceptable, although if the expunction laws are changed or new case law is promulgated, this issue should be revisited at that time. Also, the Records Management Committee should be asked to create a mandatory form to formalize the procedures and criteria set in case law for sealing documents or cases</p>	<p>Review of the case law will be reviewed for possible inclusion in judicial benchbooks. Further action will be deferred until the Legislative Council completes its work on the expunction law review.</p>

Attachment C – Examples of executive summaries



The image shows the top navigation bar of the Wisconsin Court System website. It features the Wisconsin Court System logo on the left, which includes a circular seal with a figure and the text 'WISCONSIN COURT SYSTEM'. To the right of the logo is a background image of a courtroom interior with columns. Below the logo and image is a navigation menu with five columns: 'Simple Search', 'Advanced Search', 'Judgment Search', 'Reports', and 'FAQs'. Each column has a secondary link below it: 'Pay Fees Online', 'View Cart (0 items)', 'Links', 'Help', and 'Home'.

Wisconsin Circuit Court Access (WCCA)

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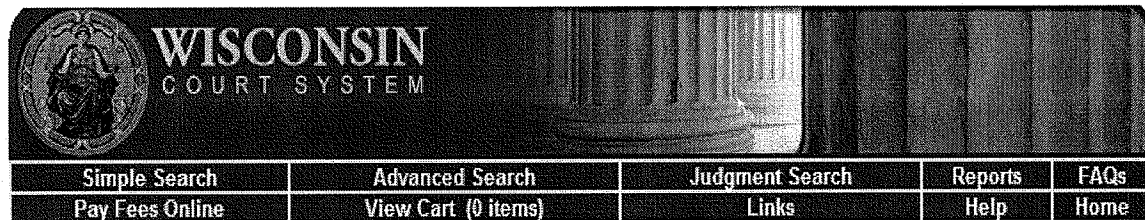
State of Wisconsin vs. Kathryn M Foulk

Dane County Case Number 2009CF000123

The defendant Kathryn M Foulk was found guilty of the following charge(s) in this case.

- Drive or Operate Vehicle w/o Consent, a class I felony, Wisconsin Statutes 943.23(3).

Notice to employers: It may be a violation of state law to discriminate against a job applicant because of an arrest or conviction record. Generally speaking, an employer may refuse to hire an applicant on the basis of a conviction only if the circumstances of the conviction substantially relate to the particular job. For more information, see [Wisconsin Statute 111.335](#) and the Department of Workforce Development's [Arrest and Conviction Records under the Law](#) publication.



This is an identical copy of the navigation bar shown in the first block, featuring the Wisconsin Court System logo, a courtroom background image, and a navigation menu with links for Simple Search, Advanced Search, Judgment Search, Reports, and FAQs, along with secondary links for Pay Fees Online, View Cart, Links, Help, and Home.

Wisconsin Circuit Court Access (WCCA)

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State of Wisconsin vs. Mario D Golden

Dane County Case Number 2009CF000457

All charges against Mario D Golden in this case have been **dismissed**. These charges were not proven and have no legal effect. Mario D Golden is presumed innocent.

Notice to employers: It may be a violation of state law to discriminate against a job applicant because of an arrest or conviction record. Generally speaking, an employer may refuse to hire an applicant on the basis of a conviction only if the circumstances of the conviction substantially relate to the particular job. For more information, see [Wisconsin Statute 111.335](#) and the Department of Workforce Development's [Arrest and Conviction Records under the Law](#) publication.