

SUPREME COURT OF WISCONSIN

CASE No.: 01-1402

COMPLETE TITLE:

State of Wisconsin,
Plaintiff-Respondent,

v.

William H. Thornton, Jr.,
Defendant-Appellant-Petitioner.

REVIEW OF A DECISION OF THE COURT OF APPEALS
Reported at: 253 Wis. 2d 846, 644 N.W.2d 293
(Ct. App. 2002-Unpublished)

OPINION FILED: March 30, 2004

SUBMITTED ON BRIEFS:

ORAL ARGUMENT: March 12, 2004

SOURCE OF APPEAL:

COURT: Circuit
COUNTY: Milwaukee
JUDGE: Clare L. Fiorenza

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING: SYKES, J., did not participate.

ATTORNEYS:

For the defendant-appellant-petitioner there were briefs by *Robert R. Henak* and *Henak Law Office, S.C.*, Milwaukee, and oral argument by *Robert R. Henak*.

For the plaintiff-respondent the cause was argued by *William L. Gansner*, assistant attorney general, with whom on the brief was *Peggy A. Lautenschlager*, attorney general.

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NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 01-1402
(L.C. No. 92 CF 920660)

STATE OF WISCONSIN

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FILED

MAR 30, 2004

Cornelia G. Clark
Clerk of Supreme Court

REVIEW of a decision of the Court of Appeals. *Affirmed.*

¶1 PER CURIAM. The court is equally divided on the question of whether the decision of the court of appeals, State v. Thornton, No. 01-1402, unpublished slip op. (Wis. Ct. App. March 5, 2002), should be affirmed or reversed. Justice JON P. WILCOX, Justice DAVID T. PROSSER and Justice PATIENCE D. ROGGENSACK would affirm; Chief Justice SHIRLEY S. ABRAHAMSON, Justice ANN WALSH BRADLEY, and Justice N. PATRICK CROOKS would reverse. Justice DIANE S. SYKES did not participate.

¶2 Accordingly, the decision of the court of appeals is affirmed.

