

SUPREME COURT OF WISCONSIN

State v. Jacob Richard Beyer

2021 WI 59 (Wis. 2021) · No. 2019AP1983-CR · Decided June 15, 2021

SUMMARY

The Wisconsin Supreme Court held that a proceeding in which the defendant stipulated to all facts establishing guilt and stipulated to a finding of guilt was not a trial, but was functionally equivalent to a guilty plea. Because Wisconsin law does not permit conditional guilty pleas of this kind, the court held that the procedure was invalid and that the defendant could not be bound by the stipulation. The court reversed and remanded for the defendant to choose whether to enter a plea or proceed to trial.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Patience Drake Roggensack, J.; Ann Walsh Bradley, J.; Rebecca Grassl Bradley, J.; Daniel Kelly, J.; Rebecca F. Dallet, J.; Jill J. Karofsky, J.; Brian Hagedorn, J.
JURISDICTION	Wisconsin
DECIDED	June 15, 2021
DOCKET	2019AP1983-CR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Beyer appealed from a Dane County Circuit Court judgment and order after the court convicted him based on stipulated facts and a stipulated finding of guilt. The Wisconsin Court of Appeals certified the appeal to the Wisconsin Supreme Court.
STANDARD OF REVIEW	The court independently reviews whether a proceeding was a trial and whether a criminal-procedure method is permitted under Wisconsin law. Whether a plea was knowing, intelligent, and voluntary is a question of constitutional fact: historical and evidentiary findings are accepted unless clearly erroneous, while the ultimate constitutional determination is reviewed independently.
PRECEDENTIAL VALUE	published Wisconsin Supreme Court opinion; precedential
PARTIES	Jacob Richard Beyer v. State of Wisconsin

TOPICS

criminal procedure

appellate procedure

standard of review

suppression of evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether a proceeding in which the defendant stipulates to every fact necessary for conviction and agrees to a judicial finding of guilt is a trial or the functional equivalent of a guilty plea.
2. Whether Wisconsin law permits a stipulated trial based on stipulated facts and a stipulated finding of guilt.
3. Whether Beyer may be held to the stipulation after entering it in reliance on the invalid procedure.
4. Whether the guilty-plea-waiver rule applies to the procedure.

HOLDINGS

1. A proceeding in which the parties stipulate to every fact necessary for conviction and stipulate to the defendant's guilt, leaving the court only to enter judgment and impose punishment, is more akin to a guilty plea than a trial, regardless of the proceeding's label.
2. Wisconsin does not permit a procedure in which the parties stipulate to every fact establishing the defendant's guilt and also stipulate that the court find the defendant guilty. Such a procedure is, in substance, an attempt to use a conditional guilty plea, which Wisconsin law does not authorize generally.
3. Beyer could not be held to the stipulation because he entered it in reliance on a procedure that was legally invalid. On remand, he must be permitted to choose whether to enter a plea or proceed to trial.

KEY QUOTATIONS

"Because Wisconsin does not permit conditional guilty pleas in the federal form, we conclude that "stipulated trials," which ultimately have the same effect, also are not permissible." (¶ 24)

"We further conclude that, while parties may stipulate to facts for purposes of a criminal trial, trials based on stipulated facts and a stipulated finding of guilt are not permissible in Wisconsin." (¶ 29)

FACTUAL BACKGROUND

A Wisconsin Department of Justice investigation of peer-to-peer file-sharing networks identified an internet protocol address associated with Beyer's Madison apartment and a file containing child pornography. Police executed a search warrant, Beyer admitted possessing child pornography, and a computer search revealed at least ten images. After the circuit court denied Beyer's discovery and suppression motions, the parties stipulated to facts satisfying the elements of one possession charge and stipulated that the court could find Beyer guilty without witness testimony or a conventional trial.

PROCEDURAL HISTORY

Beyer was charged with ten counts of possession of child pornography. The circuit court denied his discovery motion and motion to suppress evidence. Rather than plead guilty or proceed to a conventional trial, Beyer stipulated to facts establishing every element of one charge and agreed that the court could find him guilty; the court convicted him and imposed sentence. The court of appeals certified questions concerning whether the procedure was the functional equivalent of a guilty plea, whether the guilty-plea-waiver rule applied, and whether the procedure was permissible. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must permit Beyer to choose whether to enter a plea or proceed to trial and conduct further proceedings consistent with the opinion. The court did not reach the merits of Beyer's discovery claims.

CASES CITED

- State v. Beyer, No. 2019AP1983-CR, certification (Wis. Ct. App. Sept. 24, 2020)
- State v. Denk, 2008 WI 130, ¶ 29, 315 Wis. 2d 5, 758 N.W.2d 775
- City of Pewaukee v. Carter, 2004 WI 136, ¶¶ 23, 31-35, 276 Wis. 2d 333, 688 N.W.2d 449
- State v. Riekkoff, 112 Wis. 2d 119, 124-25, 128, 130, 332 N.W.2d 744 (1983)
- State v. Brown, 2006 WI 100, ¶ 19, 293 Wis. 2d 594, 716 N.W.2d 906
- United States v. Broce, 488 U.S. 563, 569-70 (1989)
- North Carolina v. Alford, 400 U.S. 25, 32, 37 (1970)
- State v. Kelty, 2006 WI 101, ¶¶ 18, 30, 294 Wis. 2d 62, 716 N.W.2d 886
- State v. Nash, 2020 WI 85, ¶¶ 33-34, 394 Wis. 2d 238, 951 N.W.2d 404
- City of Cedarburg v. Hansen, 2020 WI 11, ¶ 35, 390 Wis. 2d 109, 938 N.W.2d 463
- State v. Zamzow, 2017 WI 29, ¶ 25, 374 Wis. 2d 220, 892 N.W.2d 637
- First Bank of Marietta v. Mascrote, Inc., 684 N.E.2d 38, 41 (Ohio 1997)
- People v. Smith, 319 N.E.2d 760, 764 (Ill. 1974)
- State v. Steelman, 612 P.2d 475, 480 (Ariz. 1980)
- State v. Benoit, 229 Wis. 2d 630, 636-40, 600 N.W.2d 193 (Ct. App. 1999)
- Kemp v. State, 61 Wis. 2d 125, 130, 211 N.W.2d 793 (1973)
- Maryland Arms Ltd. P'ship v. Connell, 2010 WI 64, ¶ 48, 326 Wis. 2d 300, 786 N.W.2d 15
- State v. Woods, 173 Wis. 2d 129, 140, 496 N.W.2d 144 (Ct. App. 1992)