

FILED
12-04-2023
CIRCUIT COURT
DANE COUNTY, WI
2022JD000009

BY THE COURT:

DATE SIGNED: November 30, 2023

Electronically signed by Honorable Nia Trammell
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 6

DANE COUNTY

PEOPLE for the ETHICAL TREATMENT OF
ANIMALS, INC.

Petitioner.

IN RE: Wis. Stat. § 968.02(3) Complaint

Case No. 22 JD 0009

ORDER ON MOTION FOR RECONSIDERATION

On November 1, 2023, the Petitioner filed a Motion for Reconsideration of the Non-Final Decision and Order of October 12, 2013. Upon review of the motion for reconsideration, the Court denies the motion for failure to establish the grounds for reconsideration. *Koepsell's Olde Popcorn Wagons, Inc. v. Koepsell's Festival Popcorn Wagons, Ltd.*, 2004 WI App 129, ¶44, 275 Wis. 2d 397, 685 N.W.2d 853 (a party must present either newly discovered evidence or establish a manifest error of law or fact). As this Court concluded, under § 968.02(3) the Court must make two findings before permitting the filing of a complaint. First, there must be a factual finding that the “district attorney refuses or is unavailable to issue a complaint.” Wis. Stat. § 968.02(3). The court made a finding that the district attorney refused to issue a complaint. Second, there must be a finding that “there is probable cause to believe that the person to be

charged has committed an offense.” *Id.* The Court reached this legal conclusion. Even upon making these findings, the statute does not compel the Court to permit the issuance of a complaint: the statute states that the judge “may permit” the filing of the complaint. It neither says shall, nor does it say must. The considered the law, apprehended the facts and Petitioner’s position and reached the discretionary decision not to permit the issuance of a complaint under § 968.02(3).

IT IS SO ORDERED