

# SUPREME COURT OF WISCONSIN

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Case No.: 98-0152

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Complete Title  
of Case:

In re the Commitment of Wilbert L. Thomas:

State of Wisconsin,  
Petitioner-Respondent-Petitioner,  
v.  
Wilbert L. Thomas,  
Respondent-Appellant.

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ON REVIEW OF A DECISION OF THE COURT OF APPEALS  
Reported at: 226 Wis. 2d 159, 594 N.W.2d 418  
(Ct. App. 1999-Unpublished)

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Opinion Filed: December 8, 1999  
Submitted on Briefs:  
Oral Argument: November 11, 1999

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Source of APPEAL

COURT: Circuit  
COUNTY: Racine  
JUDGE: Emmanuel Vuvunas

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JUSTICES:

Concurred:  
Dissented:  
Not Participating: PROSSER, J., did not participate.

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ATTORNEYS: For the petitioner-respondent-petitioner the cause was argued by *Brian E. Pawlak*, assistant district attorney, with whom on the briefs was *Robert S. Flancher*, district attorney and *Michael E. Nieskes*, deputy district attorney.

For the respondent-appellant there was a brief by assistant state public defenders *Mark Lukoff*, *Robert W. Peterson* and *Jack E. Schairer* and oral argument by *Jack E. Schairer*, assistant state public defender.

NOTICE

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

No. 98-0152

STATE OF WISCONSIN : IN SUPREME COURT

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In re the Commitment of Wilbert L. Thomas:

**FILED**

State of Wisconsin,

**DEC 8, 1999**

Petitioner-Respondent-  
Petitioner,

Marilyn L. Graves  
Clerk of Supreme Court  
Madison, WI

v.

Wilbert L. Thomas,

Respondent-Appellant.

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

¶1 PER CURIAM. The court is equally divided on the question of whether the unpublished decision of the court of appeals, State v. Thomas, no. 98-0152 (Dec. 9, 1998), should be affirmed or reversed. Chief Justice SHIRLEY S. ABRAHAMSON, Justice WILLIAM A. BABLITCH and Justice ANN WALSH BRADLEY would affirm; Justice JON P. WILCOX, Justice N. PATRICK CROOKS and Justice DIANE S. SYKES would reverse. Justice DAVID T. PROSSER did not participate.

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



