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## PART I
### CRIMINAL INVESTIGATION AND APPREHENSION

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PART II
CRIMINAL PROCEDURE

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Chapter 8
The Trial

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Juvenile may collaterally attack, as void, dispositional order that subjected him or her to commitment.

Person found not guilty of sexually violent offense by reason of mental disease or defect.

Person must be within 90 days of discharge or release from sentence, from secured correctional facility, etc., or from commitment order (see sec. 10.7244).

Other persons.

Native Americans who are members of tribe, residents of their tribe's reservation, and who committed underlying act on that reservation.

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Evaluation process: confidentiality issues.

No need for Miranda warnings before commencement of pre-petition psychological interview (see sec. 10.79249).

Person subject to pre-petition evaluation has right to remain silent at evaluation interview (see sec. 10.79251).

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Chapter 14
Other Crimes, Wrongs, Or Acts Evidence

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Chapter 15

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### Chapter 19

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Right To Counsel

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Chapter 26
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**PART V**

**CRIMES AND DEFENSES**

**Chapter 31**

**General Principles Relating to Criminal Liability**

**31.1 Mental Element Of Crime**

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Chapter 32
Crimes Against Life

Part A: Crimes Committed
Before January 1, 1989

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Crimes Against Bodily Security

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Evidence of conduct directed at third party that is similar to that directed at victim in present case

Instructing on this offense

Content of instruction

In general

Instructing on "course of conduct"

Sufficiency of evidence to convict

In general

Sufficiency to prove "course of conduct," i.e., "maintaining a visual or physical proximity to a person . . . on 2 or more calendar days"

Sufficiency to prove that "actor's acts induce[d] fear in [victim]"

State not required to prove that defendant's conduct was not protected by constitutional right to freedom of speech or to peaceably assemble

Penalty or punishment for this offense

Determining penalty that applies when course of conduct constituting stalking commences prior to date of penalty change, but concludes after that date

When penalty change occurs before all elements of charged stalking offense are present

Is this continuing offense?

Appropriate unit of prosecution

In prosecution under Wis. Stat. § 940.32(2m)(a), prior conviction is not akin to penalty enhancer for being repeater, which is decided by court, but rather is element of offense that needs to be submitted to jury and proved beyond reasonable doubt

In trial of prosecution under Wis. Stat. § 940.32(2m)(a), adducing evidence of prior conviction (e.g., by way of stipulation when defendant is ready to stipulate to prior conviction's existence) and submission of question of existence of prior conviction to jury for its determination is permissible

In trial of prosecution under Wis. Stat. § 940.32(3)(b), adducing evidence of prior conviction involving same victim (e.g., by way of stipulation when defendant is ready to stipulate to prior conviction's existence), and submission of question of existence of prior conviction to jury for its determination, are permissible

Legislative history of statute creating this offense

Wis. Stat. § 940.32 creates three distinct classifications of stalking offenses, depending on presence of aggravating factors
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**Chapter 36**

**Crimes Involving Controlled Substances**

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Chapter 45
Statutory Construction

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