

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. Joseph J. Spaeth**

**Appeal Number 2009AP002907 - CR**

**Supreme Court**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-22-2012		Remittitur
OCCD	SC	07-13-2012		Cites
		343 Wis. 2d 220		
OCCD	SC	07-13-2012		Cites
		819 N.W.2d 769		
OCCD	SC	07-13-2012		<a href="#">Opinion/Decision</a> Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman Opinion: Opinion Decision: Reversed and remanded Pages: 31 Written by: Prosser, David T. Jr. Abrahamson, Shirley S. Wrote Concurring Opinion 5 pages. Roggensack, Patience Drake Wrote Dissenting Opinion 25 pages. Order Text: The judgment of the circuit court is reversed and the cause remanded.
OCCD	SC	07-12-2012		Public Domain Citation Comment: PDC No: 2012 WI 95
OCCD	SC	10-18-2011		Oral Argument Comment: at 9:15 a.m., Attorney Shelley Fite counsel for Defendant-Appellant and Attorney Sally L. Wellman counsel for Plaintiff-Respondent.
OCCD	SC	09-12-2011		Letter/Correspondence Comment: AAG Wellman appears for State per letter of representation
OCCD	SC	09-09-2011		Motion for Miscellaneous Relief Filed By: Mark Neuser Submit Date: 9-12-2011 Decision: (G) Grant Decision Date: 9-13-2011

ORD that the motion is granted. Oral argument is rescheduled for October 18, 2011 at 9:15 a.m.  
Motion Response  
Filed By: Shelley Fite  
Submit Date: 9-12-2011  
Comment: Motion to Reschedule Oral Argument; 9/13/11 rcvd. hard copy of motion response from Fite, placed in file

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OCCD SC 09-09-2011 Sua Sponte  
Filed By: Supreme Court Supreme Court  
Submit Date: 9-9-2011  
Decision: (N) No Action  
Decision Date: 9-13-2011  
No action.  
Comment: OK for AAG Neuser to participate in oral argument?

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OCCD SC 09-09-2011 Letter/Correspondence  
Comment: from AAG Neuser advising he has accepted a position as Supreme Court Commissioner; intends to participate in oral argument on this case unless the court deems it inappropriate

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OCCD SC 08-10-2011 Attorney Change  
Comment: SPD Fite appears for Joseph Spaeth and will present oral argument

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OCCD SC 08-10-2011 Received SPD Appointment Order  
Comment: Shelley Fite

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OCCD SC 07-15-2011 Briefs Received At State Law Library

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OCCD SC 06-30-2011 Brief of Amicus Curiae  
[Brief of Amicus Curiae Wisconsin Association of Criminal Defense Lawyers](#)  
Filed By: Jake Remington  
Comment: Wisconsin Association of Criminal Defense Lawyers

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OCCD SC 06-29-2011 Assigned-Oral Argument

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OCCD SC 06-28-2011 Response  
Comment: 10/17 copies of CA briefs received 6/28/11

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OCCD SC 06-13-2011 Motion to File Amicus/Non-Party Brief  
Filed By: Robert Henak  
Submit Date: 6-13-2011  
Decision: (G) Grant  
Decision Date: 6-13-2011  
ORD that the motion is granted. Twenty-two copies of the brief shall be filed on or before 6/30/11.  
Comment: Wisconsin Association of Criminal Defense Lawyers

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OCCD SC 06-13-2011 Reply Brief-Supreme Court  
[Reply Brief-Supreme Court](#)

OCCD SC 05-26-2011 Response Brief-Supreme Court  
[Response Brief-Supreme Court](#)

Filed By: Mark Neuser

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OCCD SC 04-14-2011 Motion to Extend Time

Filed By: Mark Neuser

Submit Date: 4-15-2011

Decision: (G) Grant

Decision Date: 4-18-2011

ORD that the motion is granted. Plaintiff-respondent's brief shall be served and filed on or before May 26, 2011. No further extensions of time will be granted to this party.

See BR2 event due on 5-26-2011

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OCCD SC 04-08-2011 First Brief-Supreme Court  
[First Brief-Supreme Court](#)

Filed By: Andrew Hinkel

Comment: Appx to First Brief-Supreme Court

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OCCD SC 03-02-2011 Motion to Extend Time

Filed By: Andrew Hinkel

Submit Date: 3-3-2011

Decision: (G) Grant

Decision Date: 3-3-2011

ORD that the motion to extend time to file a brief is granted. Defendant-appellant shall serve and file his brief on or before April 8, 2011. No further extensions of time will be granted to this party.

See BR1 event due on 3-10-2011

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OCCD SC 03-02-2011 Attorney Change

Comment: SPD Andrew R. Hinkel on behalf of Joseph J. Spaeth per filing of Notice of Appearance

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OCCD SC 02-08-2011 Court Changed to Supreme Court

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OCCD CA 02-08-2011 Hold Status

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OCCD SC 12-29-2010 Certification Filed

Filed By: Unassigned District 2

Submit Date: 1-5-2011

Decision: (G) Grant

Decision Date: 2-8-2011

ORD certification granted. Briefs/statements 30/20/10.

See DEC event filed on 12-29-2010

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OCCD CA 12-29-2010 [Opinion/Decision](#)

Judge Panel: Anderson, Brown, Reilly

Opinion: Certification

Decision: Certification Filed Pages: 10

Order Text: We certify to invite the supreme court to clarify if a statement made to law enforcement following a probationers honest accounting to an agent may become a wholly independent source under Kastigar and, if so, under what parameters.

OCCD CA	11-11-2010	Submitted on Briefs
OCCD CA	10-21-2010	Letter/Correspondence
OCCD CA	08-12-2010	Briefs Received At State Law Library
OCCD CA	07-28-2010	Record and Briefs Sent to District 2
OCCD CA	07-27-2010	Reply Brief <a href="#">Reply Brief</a>  Filed By: Shelley Fite
OCCD CA	07-16-2010	Brief of Respondent(s) <a href="#">Brief of Respondent</a>  Filed By: Mark Neuser
OCCD CA	06-25-2010	Motion to Extend Time  Filed By: Mark Neuser Submit Date: 6-28-2010 Decision: (G) Grant Decision Date: 6-29-2010 ORD that the time for the respondent to file its brief is extended to 7/26/10. See Wis. Stat. Rule 809.82(2)(a). See BRS event due on 7-26-2010
OCCD CA	05-26-2010	Motion to Extend Time  Filed By: Mark Neuser Submit Date: 5-27-2010 Decision: (G) Grant Decision Date: 6-1-2010 ORD that the time for the respondent to file its brief is extended to 6/25/10. See Wis. Stat. Rule 809.82(2)(a). See BRS event due on 6-25-2010
OCCD CA	05-06-2010	Attorney Change
OCCD CA	04-26-2010	Brief & Appx of Appellant(s) <a href="#">Brief of Appellant</a>  Filed By: Shelley Fite
OCCD CA	04-07-2010	Hold Status
OCCD CA	04-06-2010	Record

OCCD CA	03-17-2010	Court Reporter's Statement-Trans. Court Reporter Name: (Meinen, Jessica)
OCCD CA	03-15-2010	Transcript filed in Circuit Court
OCCD CA	03-15-2010	Statement on Transcript Filed By: Shelley Fite Status: Ordered
OCCD CA	01-08-2010	Record Remanded to Circuit Court
OCCD CA	12-28-2009	Record
OCCD CA	12-18-2009	Motion for Remand Filed By: Shelley Fite Submit Date: 1-6-2010 Decision: (G) Grant Decision Date: 1-8-2010 ORD that pursuant to Wis. Stat. s. 808.07(5), the record is remanded to the circuit court so the appellant may file a postconviction motion. The appellant shall file his motion in the circuit court within 15 days of the date of this order. The circuit court shall decide the motion within 60 days of its filing. FRO that if the appeal will be pursued after the decision on remand, within 7 days of the decision on remand, the appellant shall file an amended statement on transcript with respect to the remand hearing, if any. FRO that the clerk of the circuit court shall return the record, including the additional portions pertaining to the remand, see Wis. Stat. s. 808.075(7), to this court within 14 days of the decision on remand if no amended statement on transcript is filed, or within 14 days of the filing of the transcript to be produced according to the amended statement on transcript. FRO that any objection to the judgment or order entered on remand shall be included in the parties' briefs and no separate objection under Wis. Stat. s. 808.075(8), is necessary. FRO that the appellant's brief and appendix shall be filed within 40 days after the record is returned to this court.
OCCD CA	11-23-2009	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	11-23-2009	Fee Waived
OCCD CA	11-23-2009	Notice of Appeal & Circuit Court Docket Entries
OCCD CA	11-23-2009	X Transfer
OCCD CA	11-18-2009	Notice of Appeal filed in Cir. Ct.
OCCD CA	11-17-2009	Received SPD Appointment Order
OCCD CA	11-17-2009	Statement on Transcript

Filed By: Shelley Fite  
Status: Prev. Filed

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OCCD CA	08-04-2009	Motion to Extend Time to File Notice of Intent
Filed By: Colleen Bradley Submit Date: 8-4-2009 Decision: (G) Grant Decision Date: 8-5-2009 ORD the time permitted the defdt for filing a NI is ext to 8/3/09, the date on which the notice was filed in this case. See Wis. Stat. Rule 809.82(2)(a).		

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OCCD CA	05-08-2009	Judgment of Circuit Court
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OCCD CA	08-21-2008	Mot. Extend Time to Decide Postconviction Motion
Filed By: Shelley Fite Submit Date: 8-21-2008 Decision: (G) Grant Decision Date: 8-25-2008 ORD the time permitted the TC for hearing and deciding the defdt's PCM is ext to 10/31/08.		

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OCCD CA	05-23-2008	Court Order
ORD that by 6/3/08, the State shall file a response to the motion for an extension of time for filing a NAP/PCM. See XNP event filed on 5-20-2008		

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OCCD CA	05-20-2008	Mot. Extend Time to file NAP/PCM
Filed By: Brian Findley Submit Date: 5-21-2008 Decision: (G) Grant Decision Date: 6-3-2008 ORD that the time for filing a NAP/PCM is ext to 6/17/08. Motion Response Filed By: Gregory Weber Submit Date: 6-2-2008 This motion contains court order(s).		

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