

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Samuel Curtis Johnson, III

Appeal Number 2011AP002864 - CRAC

Supreme Court

CASE HISTORY

| Status | Court | Filing Date | Anticipated Due Date | Activity |
|--------|-------|--|----------------------|--|
| OCCD | SC | 04-28-2014 | | Remittitur |
| OCCD | SC | 03-26-2014 846 N.W.2d 1 | | Cites |
| OCCD | SC | 03-26-2014 353 Wis. 2d 119 | | Cites |
| OCCD | SC | 03-26-2014 | | Opinion/Decision Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman Opinion: Per Curiam Decision: Other Pages: 6 Abrahamson, Shirley S. Joined Concur/Dissent Opinion Bradley, Ann Walsh Wrote Concur/Dissent Opinion 9 pages. Prosser, David T. Jr. Took No Part Gableman, Michael J. Took No Part Order Text: The motion for reconsideration is granted. |
| OCCD | SC | 03-25-2014 Comment: PDC No: 2014 WI 16 | | Public Domain Citation |
| OCCD | SC | 07-29-2013 ORD that the parties may file responses to the respective motions by 8/5/13. Prosser and Gableman, J.J., did not participate. See MRC event filed on 7-22-2013 | | Court Order |
| OCCD | SC | 07-29-2013 Comment: from AAG Moeller requesting clarification on whether response to the motion for reconsideration may be filed; court order issued | | Letter/Correspondence |
| OCCD | SC | 07-22-2013 Filed By: Geoffrey Misfeldt | | Motion for Reconsideration |

Submit Date: 8-7-2013
Decision: (G) Grant
Decision Date: 3-26-2014
ORD the motion for reconsideration is granted.
Motion Response
Filed By: Marguerite Moeller
Submit Date: 8-7-2013
This motion contains court order(s).

OCCD SC 07-22-2013 Motion for Reconsideration
Filed By: Marguerite Moeller
Submit Date: 8-7-2013
Decision: (D) Deny
Decision Date: 3-26-2014
ORD the motion for reconsideration is denied.
Comment: Alternatively, Clarification Regarding The Jury Instruction Issue

OCCD SC 07-03-2013 Cites
348 Wis. 2d 450

OCCD SC 07-03-2013 Cites
832 N.W.2d 609

OCCD SC 07-03-2013 [Opinion/Decision](#)
Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman
Opinion: Per Curiam
Decision: Remanded to Trial Court Pages: 5
Prosser, David T. Jr. Took No Part
Gableman, Michael J. Took No Part
Order Text: The decision of the court of appeals is modified and affirmed and, as modified, the cause is remanded to the circuit court.

OCCD SC 07-02-2013 Public Domain Citation
Comment: PDC No: 2013 WI 59

OCCD SC 02-25-2013 Oral Argument
Comment: at 1:30 p.m. Marguerite M. Moeller atty for the Pla-App-Cross-Resp-Pet; Mark D. Richards atty for the Def-Resp-Cross-App

OCCD SC 02-12-2013 Briefs Received At State Law Library

OCCD SC 02-08-2013 Response
Comment: 22 copies of amended table of contents (from Brief-in-Chief)

OCCD SC 02-08-2013 Brief of Amicus Curiae
[Brief of Amicus Curiae Wisconsin Coalition Against Sexual Assault](#)

Filed By: Eric Wilson

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| OCCD SC | 02-07-2013 | Briefs Received At State Law Library |
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| OCCD SC | 02-06-2013 | Sua Sponte |
| | Filed By: Supreme Court Supreme Court | |
| | Submit Date: 2-6-2013 | |
| | Decision: (O) Other | |
| | Decision Date: 2-7-2013 | |
| | ORD that, within 7 days of the date of this order, the State shall file twenty-two copies of an amended table of contents. | |
| | Prosser and Gableman, J.J. did not participate. | |
| | Comment: errors in BR1 table of contents | |

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| OCCD SC | 02-06-2013 | Letter/Correspondence |
| | Comment: from AAG Moeller advising the table of contents does not accurately reflect the pages; requests court to advise if wants a new table of contents | |

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| OCCD SC | 02-05-2013 | Reply Brief-Supreme Court Reply Brief-Supreme Court |
| | Filed By: Marguerite Moeller | |
| | Comment: Appx to Reply Brief-Supreme Court | |

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| OCCD SC | 02-04-2013 | Briefs Received At State Law Library |
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| OCCD SC | 01-31-2013 | Brief of Amicus Curiae Brief of Amicus Curiae T. S. |
| | Filed By: Kathleen Quinn | |
| | Comment: T.S. | |

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| OCCD SC | 01-24-2013 | Motion to File Amicus/Non-Party Brief |
| | Filed By: Eric Wilson | |
| | Submit Date: 1-25-2013 | |
| | Decision: (G) Grant | |
| | Decision Date: 1-25-2013 | |
| | ORD that the motion is granted. Twenty-two copies of the brief shall be filed on or before 2/8/13. | |
| | Prosser and Gableman, J.J., did not participate. | |
| | Comment: Wisconsin Coalition Against Sexual Assault | |

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| OCCD SC | 01-22-2013 | Response Brief-Supreme Court Response Brief-Supreme Court |
| | Filed By: Craig Powell | |

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| OCCD SC | 01-15-2013 | Motion to Extend Time |
| | Filed By: Michael Hart | |
| | Submit Date: 1-16-2013 | |
| | Decision: (G) Grant | |

Decision Date: 1-16-2013

ORD that the motion is granted. Defendant-appellant-cross appellant's response brief shall be served and filed on or before January 22, 2013. No further extensions of time will be granted to this party.

See BR2 event due on 1-22-2013

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| OCCD SC | 01-07-2013 | Briefs Received At State Law Library |
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| OCCD SC | 01-04-2013 | Motion to Intervene |
| | Filed By: Kathleen Quinn | |
| | Submit Date: 1-7-2013 | |
| | Decision: (D) Deny | |
| | Decision Date: 1-14-2013 | |
| | ORD that the motion is denied. T.S. may, however, file a non-party brief within two weeks of the date of this order. Wis. Stat. s. (Rule) 809.19(7). | |
| | Comment: Non-party/Complaining witness T.S. | |

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| OCCD SC | 12-28-2012 | First Brief-Supreme Court First Brief-Supreme Court |
| | Filed By: Marguerite Moeller | |
| | Comment: Appx to First Brief-Supreme Court | |

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| OCCD SC | 12-10-2012 | Motion to Extend Time |
| | Filed By: Marguerite Moeller | |
| | Submit Date: 12-11-2012 | |
| | Decision: (G) Grant | |
| | Decision Date: 12-11-2012 | |
| | ORD that the motion is granted in part. Plaintiff-appellant's first brief shall be served and filed on or before 12/28/12. No further extensions of time will be granted to this party. | |
| | See BR1 event filed on 12-28-2012 | |

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| OCCD SC | 12-06-2012 | Assigned-Oral Argument |
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| OCCD SC | 11-15-2012 | Attorney Change |
| | Comment: AAG Marguerite M. Moeller for State per letter notice of appearance | |

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| OCCD SC | 11-14-2012 | Court Changed to Supreme Court |
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| OCCD CA | 05-31-2012 | Cites |
| | 815 N.W.2d 407 | |

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| OCCD CA | 05-31-2012 | Cites |
| | 341 Wis. 2d 492 | |

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| OCCD CA | 05-31-2012 | Opinion Ordered Unpublished |
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| OCCD SC | 05-30-2012 | Letter/Correspondence |
| | Comment: State advising 11AP2680-CR on hold pending resolutin of this case | |

OCCD SC 05-17-2012 Petition for Review
Filed By: 34776 (St. John, Rebecca)
Submit Date: 6-1-2012
Decision: (G) Grant
Decision Date: 11-14-2012
ORD petition for review granted. Briefs statements due 30/20/10.
Prosser and Gableman, J.J., did not participate.
Motion Response
Filed By: Michael Hart
Submit Date: 6-1-2012

OCCD CA 04-26-2012 Briefs Received At State Law Library

OCCD CA 04-23-2012 Motion for Relief
Filed By: 34776 (St. John, Rebecca)
Submit Date: 4-23-2012
Decision: (G) Grant
Decision Date: 4-23-2012
ORD that upon the motion for an emergency stay, further circuit court proceedings are stayed until 5/18/12.
Comment: Emergency Motion for Stay of Circuit Court Proceedings until Remittitur

OCCD CA 04-18-2012 [Opinion/Decision](#)
Judge Panel: Brown, Gundrum, Reilly
Opinion: Opinion
Decision: Affirmed/reversed/remanded Pages: 8
Written by: Reilly, Paul F.
Brown, Richard S. Wrote Dissenting Opinion 5 pages.
Order Text: Order affirmed in part; reversed in part and cause remanded.

OCCD CA 04-13-2012 Submitted on Briefs

OCCD CA 04-10-2012 Record and Briefs Sent to District 2

OCCD CA 04-10-2012 Certificate of Service
Comment: BCY

OCCD CA 04-10-2012 [Cross-Reply Brief](#)
[Cross-Reply Brief](#)
Filed By: Craig Powell
Comment: Received 10 additional copies for SC use.

OCCD CA 03-29-2012 [Reply and Cross-Respondent's Brief](#)
[Reply and Cross-Respondent's Brief](#)
Filed By: 34776 (St. John, Rebecca)
Comment: RECD 10 addl copies of CA brief for Sc use 12-11-12.

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| OCCD CA | 03-23-2012 | Certificate of Service |
| | Comment: BAM | |
| OCCD CA | 03-23-2012 | Certificate of Filing by Mail |
| | Comment: BAM | |
| OCCD CA | 03-23-2012 | Brief of Amicus Curiae Brief of Amicus Curiae of Non-Party T.S. |
| | Filed By: Kathleen Quinn | |
| | Comment: T.S. | |
| OCCD CA | 03-21-2012 | Letter/Correspondence |
| | Comment: copy; AAG Rapp St. John to Judge Gasiorkiewicz | |
| OCCD CA | 03-14-2012 | Certificate of Service |
| | Comment: BRC | |
| OCCD CA | 03-14-2012 | Brief of Respondent and Cross-Appellant Brief of Respondent and Cross-Appellant |
| | Filed By: Geoffrey Misfeldt | |
| | Comment: Received 10 additional copies of Brief for SC use 11/29/12 | |
| OCCD CA | 02-22-2012 | Brief & Appx of Appellant(s) Brief of Appellant |
| | Comment: Note that the caption has been corrected on brief. Please use the above caption on all future briefs. RECD 10 addl copies of CA brief for Sc use 12-11-12. Appx of Appellant(s) | |
| OCCD CA | 02-17-2012 | Motion to Intervene |
| | Filed By: Kathleen Quinn | |
| | Submit Date: 3-1-2012 | |
| | Decision: (O) Other | |
| | Decision Date: 3-7-2012 | |
| | ORD that the motion to intervene is denied. | |
| | FRO that no later than 3/23/12, T.S. may file a Wis. Stat. Rule 809.19(7)(a) non-party brief. | |
| | Motion Response | |
| | Filed By: 34776 (St. John, Rebecca) | |
| | Submit Date: 3-1-2012 | |
| OCCD CA | 02-07-2012 | Court Reporter's Statement-Trans. |
| | Court Reporter Name: (Schaefer, Patricia) | |
| OCCD CA | 02-02-2012 | Motion for Stay |
| | Filed By: 34776 (St. John, Rebecca) | |
| | Submit Date: 2-3-2012 | |

Decision: (D) Deny

Decision Date: 2-7-2012

ORD the motion to stay briefing is denied.

FRO that the appellant's brief and appendix shall be filed within 15 days of the date of this order and the remainder of the expedited briefing schedule shall be as set forth in the 1/6/12 order.

Comment: Briefing

OCCD CA 01-30-2012 Delinquent
Comment: New due date of connected CRS: 2-6-2012

OCCD CA 01-27-2012 Sealed Documents
Comment: SLD DOCS #10, 18, 26

OCCD CA 01-27-2012 Record
Comment: 1-3 to 44-1

OCCD CA 01-20-2012 Transcript filed in Circuit Court

OCCD CA 01-17-2012 Court Reporter's Statement-Trans.
Court Reporter Name: (Schaefer, Patricia)

OCCD CA 01-11-2012 Transcript filed in Circuit Court

OCCD CA 01-11-2012 Statement on Transcript
Filed By: Mark Richards
Status: Ordered
Comment: Cross Appellant

OCCD CA 01-10-2012 Notif. Sent-Filing of LVO & Court Record

OCCD CA 01-10-2012 Copy of Order Granting Leave - from Cir. Ct.

OCCD CA 01-10-2012 Statement on Transcript
Filed By: 34776 (St. John, Rebecca)
Status: Ordered
Comment: Appellant

OCCD CA 01-06-2012 Copy of CTO Grtg. PLV Filed in Cir. Ct.

OCCD CA 12-15-2011 Fee Paid
Comment: Receipt No: 11R 003101

OCCD CA 12-13-2011 Petition for Leave to Appeal
Filed By: 34776 (St. John, Rebecca)
Submit Date: 12-22-2011

Decision: (G) Grant

Decision Date: 1-6-2012

ORD that the petitions for leave to appeal filed by Johnson and the State are granted. The entry of this order has the effect of the filing of a notice of appeal on behalf of the State and a notice of cross-appeal on behalf of Johnson. See Wis. Stat. Rule 809.50(3). A copy of this order has been forwarded to the clerk of the circuit court. Pursuant to Wis. Stat. Rule 809.11(2), the clerk of the circuit court or responsible court official shall return the copy of the order granting these petitions and the docket entries maintained pursuant to Wis. Stat. s. 59.40(2)(b) or (c) to the clerk of this court within 3 days of receipt of this order.

FRO that this appeal and cross-appeal are expedited in accordance with the schedule set forth above. Within 5 days of the date of this order, both Johnson and the State shall serve and file statements on transcript pursuant to Wis. Stat. Rule 809.11(4)(b). The final transcript must be served and filed by 1/21/12, if all necessary transcripts have not yet been served and filed.

FRO that the clerk of the circuit court shall transmit the record to this court on or before 1/26/12.

FRO that the State's appellant's brief and appendix shall be served and filed within 20 days of the date the record is transmitted to this court.

FRO that Johnson's respondent-cross appellant's brief shall be served and filed within 20 days of filing of the appellant's brief.

FRO that the State's reply cross respondent's brief shall be served and filed within 15 days of the filing of Johnson's respondent cross appellant's brief.

FRO that Johnson's cross appellant's reply brief shall be served and filed within 7 days of the date the State's reply cross respondent's brief is filed.

FRO that this court will take the matter under submission as soon as briefing is completed.

Motion Response

Filed By: Kathleen Quinn

Submit Date: 12-23-2011

OCCD CA 12-13-2011

Attorney Change

Comment: AG from Weber to St John (2nd Change notice from St John rec'd 12/20/11)

OCCD CA 12-12-2011

Certificate of Service

Comment: PLV

OCCD CA 12-12-2011

Motion for Stay

Filed By: Michael Hart

Submit Date: 12-12-2011

Decision: (O) Other

Decision Date: 12-14-2011

ORD that the request to stay circuit court proceedings is denied.

FRO that the State shall file a response to the petition for leave to appeal within the time allotted by 809.50(2).

OCCD CA 12-12-2011

Petition for Leave to Appeal

Filed By: Michael Hart

Submit Date: 12-14-2011

Decision: (G) Grant

Decision Date: 1-6-2012

ORD that the petitions for leave to appeal filed by Johnson and the State are granted. The entry of this order has the effect of the filing of a notice of appeal on behalf of the State and a notice of cross-appeal on behalf of Johnson. See Wis. Stat. Rule 809.50(3). A copy of this order has been forwarded to the clerk of the circuit court. Pursuant to Wis. Stat. Rule 809.11(2), the clerk of the circuit court or responsible court official shall return the copy of the order granting these petitions and the docket entries maintained pursuant to Wis. Stat. s. 59.40(2)(b) or (c) to the clerk of this court within 3 days of

receipt of this order.

FRO that this appeal and cross-appeal are expedited in accordance with the schedule set forth above. Within 5 days of the date of this order, both Johnson and the State shall serve and file statements on transcript pursuant to Wis. Stat. Rule 809.11(4)(b). The final transcript must be served and filed by 1/21/12, if all necessary transcripts have not yet been served and filed.

FRO that the clerk of the circuit court shall transmit the record to this court on or before 1/26/12.

FRO that the State's appellant's brief and appendix shall be served and filed within 20 days of the date the record is transmitted to this court.

FRO that Johnson's respondent-cross appellant's brief shall be served and filed within 20 days of filing of the appellant's brief.

FRO that the State's reply cross respondent's brief shall be served and filed within 15 days of the filing of Johnson's respondent cross appellant's brief.

FRO that Johnson's cross appellant's reply brief shall be served and filed within 7 days of the date the State's reply cross respondent's brief is filed.

FRO that this court will take the matter under submission as soon as briefing is completed.

Motion Response

Filed By: 34776 (St. John, Rebecca)

Submit Date: 12-21-2011

Motion Response

Filed By: Kathleen Quinn

Submit Date: 12-23-2011

Comment: Stay in body of leave

OCCD CA 11-29-2011

Non-Final Order of Circuit Court
