

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Martin P. O'Brien

Appeal Number 2012AP001769 - CR

CONSOLIDATED - [List of Consolidated Cases](#)
Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	11-13-2014		Letter/Correspondence Comment: from US Supreme Court advising petition for writ of cert denied
OCCD	SC	10-17-2014		Letter/Correspondence Comment: from US Supreme Court advising petition for writ of cert filed; No. 14-409
OCCD	SC	08-21-2014		Remittitur
OCCD	SC	07-09-2014		Cites 354 Wis. 2d 753
OCCD	SC	07-09-2014		Cites 850 N.W.2d 8
OCCD	SC	07-09-2014		Opinion/Decision Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman Opinion: Opinion Decision: Affirmed Pages: 25 Written by: Bradley, Ann Walsh Abrahamson, Shirley S. Wrote Dissenting Opinion 11 pages. Order Text: The decision of the court of appeals is affirmed.
OCCD	SC	07-08-2014		Public Domain Citation Comment: PDC No: 2014 WI 54
OCCD	SC	03-14-2014		Oral Argument Comment: at 1:30 p.m.: Atty Jerome Buting and Terry Rose for Def-App-Pet, AAG Jeffrey Kassel for Pla-Res
OCCD	SC	03-13-2014		Briefs Received At State Law Library

OCCD	SC	03-06-2014	Motion for Miscellaneous Relief
		Filed By: Jerome Buting	
		Submit Date: 3-7-2014	
		Decision: (G) Grant	
		Decision Date: 3-10-2014	
		ORD that the motion is granted and the parties shall be allotted the amount of time as outlined in their motion.	
		Comment: Motion to enlarge time for oral argument	

OCCD	SC	02-27-2014	Additional Authorities
		Comment: filed by AAG Jeffrey Kassel Additional Authorities	

OCCD	SC	02-14-2014	Briefs Received At State Law Library
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OCCD	SC	02-12-2014	Certificate of Filing by Mail
		Comment: Martin and Kathleen O'Brien	

OCCD	SC	02-11-2014	Reply Brief-Supreme Court
			Reply Brief-Supreme Court Martin P. O'Brien and Kathleen M. O'Brien
		Filed By: Jerome Buting	
		Comment: Martin and Kathleen O'Brien Appx to Reply Brief-Supreme Court Martin P. O'Brien and Kathleen M. O'Brien	

OCCD	SC	02-07-2014	Briefs Received At State Law Library
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OCCD	SC	02-03-2014	Certificate of Filing by Mail
		Comment: Reply Brief	

OCCD	SC	01-31-2014	Reply Brief-Supreme Court
			Reply Brief-Supreme Court-Charles E. Butts
		Filed By: Terry Rose	

OCCD	SC	01-30-2014	Briefs Received At State Law Library
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OCCD	SC	01-24-2014	Response Brief-Supreme Court
			Response Brief-Supreme Court
		Filed By: Jeffrey Kassel	

OCCD	SC	01-23-2014	Briefs Received At State Law Library
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OCCD	SC	01-23-2014	Brief of Amicus Curiae
			Brief of Amicus Curiae Wisconsin Association of Criminal Defense Lawyers and Office of the State Public Defender
		Filed By: Marcus Berghahn	

OCCD SC 01-21-2014 Motion to File Amicus/Non-Party Brief
Filed By: Marcus Berghahn
Submit Date: 1-21-2014
Decision: (G) Grant
Decision Date: 1-22-2014
ORD that the motion is granted and the brief is accepted for filing.
AMENDED order issued 1/23/14.
Comment: Wisconsin Association of Criminal Defense Lawyers and Office of the State Public Defender

OCCD SC 01-10-2014 Assigned-Oral Argument

OCCD SC 01-10-2014 Motion for Miscellaneous Relief
Filed By: Jerome Buting
Submit Date: 1-10-2014
Decision: (G) Grant
Decision Date: 1-13-2014
ORD that the motion is granted. Defendant-appellant-petitioner's reply brief shall be served and filed on or before 2/11/14. No further extensions of time will be granted to this party.
Comment: MXT to file BR3

OCCD SC 01-09-2014 Certificate of Filing by Mail
Comment: BR1; Martin and Kathleen O'Brien

OCCD SC 01-06-2014 First Brief-Supreme Court
[First Brief-Supreme Court-Martin P. O'Brien and Kathleen M. O'Brien](#)
Filed By: Jerome Buting
Comment: Martin and Kathleen O'Brien

OCCD SC 01-02-2014 Response
Comment: 10 copies of CA briefs for SC use received

OCCD SC 12-27-2013 First Brief-Supreme Court
[First Brief-Supreme Court-Charles E. Butts](#)
Filed By: Terry Rose
Comment: Charles E. Butts; Please note the party designation on the caption was corrected on the covers of all briefs. Please use the above caption on all future briefs. Appx to First Brief-Supreme Court Charles E. Butts

OCCD SC 12-05-2013 Caption Amended

OCCD SC 12-05-2013 Court Changed to Supreme Court

OCCD CA 09-17-2013 Final Publication

OCCD CA 08-30-2013 Cites

OCCD	CA	08-30-2013	Cites
836 N.W.2d 840			

OCCD	SC	08-30-2013	Motion to File Amicus/Non-Party Brief
Filed By: Marla Stephens			
Submit Date: 8-30-2013			
Decision: (G) Grant			
Decision Date: 9-4-2013			
ORD that the motion is granted and the brief is accepted for filing.			
Comment: in support of PRE			

OCCD	CA	08-30-2013	Opinion Ordered Published
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OCCD	CA	08-30-2013	Public Domain Citation
Comment: PDC No: 2013 WI App 97			

OCCD	SC	08-19-2013	Fee Paid
Comment: Receipt No: 13R 002112			

OCCD	CA	08-16-2013	Attorney Change
Comment: Atty. Quinn appears for def-appl Kathleen O'Brien in 12AP1769-1770-CR per Notice of Retainer			

OCCD	SC	08-16-2013	Petition for Review
Filed By: Jerome Buting			
Submit Date: 8-29-2013			
Decision: (G) Grant			
Decision Date: 12-5-2013			
ORD that both petitions are granted. Briefing schedule: Petitioner's brief within 30 days of order; State's brief within 20 days of filing of petitioners' briefs; Petitioner's reply brief within 10 days of filing of State's brief.			
Motion Response			
Filed By: Jeffrey Kassel			
Submit Date: 8-29-2013			
Motion Response			
Filed By: Marla Stephens			
Submit Date: 9-4-2013			
Comment: 12AP1769-CR and 12AP1770-CR - Joint petition from def-applnts by Atty. Buting and Atty. Quinn			

OCCD	SC	07-30-2013	Fee Waived
Comment: 12AP1863-CR PRE fee waived; SPD appointed			

OCCD	SC	07-30-2013	Petition for Review
Filed By: Terry Rose			
Submit Date: 8-1-2013			

Decision: (G) Grant

Decision Date: 12-5-2013

ORD that both petitions are granted. Briefing schedule: Petitioner's brief within 30 days of order; State's brief within 20 days of filing of petitioners' briefs; Petitioner's reply brief within 10 days of filing of State's brief.

Motion Response

Filed By: Jeffrey Kassel

Submit Date: 8-1-2013

Motion Response

Filed By: Marla Stephens

Submit Date: 9-4-2013

Comment: 12AP1863-CR

OCCD CA 07-17-2013 [Opinion/Decision](#)

Judge Panel: Brown, Neubauer, Reilly

Opinion: Opinion

Decision: Affirmed Pages: 16

Written by: Brown, Richard S.

Order Text: Orders affirmed.

OCCD CA 05-02-2013 Submitted on Briefs

OCCD CA 04-03-2013 Briefs Received At State Law Library

Comment: Appellant's Briefs Separately Filed

OCCD CA 03-20-2013 Record and Briefs Sent to District 2

OCCD CA 02-19-2013 Letter/Correspondence

Comment: from AAG Jeffrey Kassel advising BRS was served on Attorney Rose by mail 2/18/13

OCCD CA 02-15-2013 Affidavit of No Service filed

Comment: Attorney Rose has not received BRS in 12AP1863-CR; Filing also includes motion for extension of time to file BRY; BRY not due until 15 days from receipt of BRS; motion unnecessary

OCCD CA 02-08-2013 Certificate of Filing by Mail

Comment: BRY-IB

OCCD CA 02-07-2013 Reply Brief
[Reply Brief - Martin O'Brien](#)

Comment: Martin O'Brien; Received 10 copies of BRY for SC use, PS 1-2-14

OCCD CA 02-05-2013 Brief of Amicus Curiae
[Brief of Amicus Curiae Wisconsin Association of Criminal Defense Lawyers and Wisconsin Office of the State Public Defender](#)

Filed By: Marcus Berghahn

OCCD CA 02-01-2013 Motion to File Amicus/Non-Party Brief
Filed By: Marcus Berghahn
Submit Date: 2-1-2013
Decision: (G) Grant
Decision Date: 2-5-2013
ORD that the court will accept an amicus brief from the State Public Defender and the Wisconsin
Association of Criminal Defense Lawyers.
Comment: Wisconsin Association of Criminal Defense Lawyers & Office of the State Public Defender

OCCD CA 01-31-2013 Letter/Correspondence
Comment: forwarded from Walworth County Register in Probate; request for certified copies from
appellate record; Clerk letter sent advising of costs

OCCD CA 01-25-2013 Brief of Respondent(s)
[Brief of Respondent](#)
Filed By: Jeffrey Kassel
Comment: Received 10 copies of BRS for SC use. PS 12-9-13

OCCD CA 01-07-2013 Brief & Appx of Appellant(s)
[Brief of Appellants Martin O'Brien and Kathleen O'Brien](#)
Filed By: Kathleen Stilling
Comment: Martin and Kathleen O'Brien; Received 10 copies of BAP for SC use. PS 1-2-14 Appx to
Brief of Appellant(s)

OCCD CA 12-06-2012 Record
Comment: 1-14 to 32-21

OCCD CA 11-30-2012 Certificate of Filing by Mail
Comment: BAP

OCCD CA 10-27-2012 Motion to Extend Time
Filed By: Kristina Secord
Submit Date: 10-29-2012
Decision: (G) Grant
Decision Date: 10-30-2012
ORD that the time for the clerk to file the record in this case is extended to 12/6/12. Wis. Stat. Rules
809.15(4)(a) and 809.82(2)(a) (2009-10).
See REC event filed on 12-6-2012

OCCD CA 10-15-2012 Statement on Transcript
Filed By: Jerome Buting
Status: Prev. Filed
Comment: CRS: CR Elderbrook transcripts prev. filed/served on parties

OCCD CA 10-12-2012 Consolidated Case
Comment: [2012AP001769, 2012AP001770, 2012AP001863]

OCCD CA 10-12-2012 Notif. Sent-Filing of LVO & Court Record

OCCD CA 10-12-2012 Copy of Order Granting Leave - from Cir. Ct.

OCCD CA 10-02-2012 Attorney Change
Comment: AAG Kassel appears for State per ltr. of representation

OCCD CA 10-01-2012 Copy of CTO Grtg. PLV Filed in Cir. Ct.

OCCD CA 09-24-2012 Motion for Miscellaneous Relief

Filed By: Gregory Weber

Submit Date: 9-24-2012

Decision: (O) Other

Decision Date: 9-28-2012

IT IS ORDERED that the petition for leave to appeal is granted. The entry of this order has the effect of the filing of a notice of appeal. 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 this petition and the docket entries maintained pursuant to WIS. STAT. 59.40 to the clerk of this court within three days of receipt of this order.

IT IS FURTHER ORDERED that once the appeal is this case is docketed, the appeal shall be consolidated for briefing and disposition with State v. Butts, No. 2012AP1863-CR.

IT IS FURTHER ORDERED that if no additional transcripts are ordered in Butts, the clerk of circuit court shall compile the record on appeal and transmit the record under WIS. STAT. RULE 809.15(4). If an additional transcript must be prepared, the appellant shall inform the court reporter that the transcript shall be filed within thirty days of the date the transcript is requested and arrangements are made to pay for the transcript.

IT IS FURTHER ORDERED that the appellants in State v. OBrien shall file a statement on transcript no later than October 9, 2012.

IT IS FURTHER ORDERED that the briefing rules are modified as set forth in this order.

IT IS FURTHER ORDERED that no action is taken on the motion to file a non-party brief.

Comment: Withdrawal of opposition to joint PLV

OCCD CA 09-10-2012 Motion for Miscellaneous Relief

Filed By: Marcus Berghahn

Submit Date: 9-11-2012

Decision: (N) No Action

Decision Date: 9-28-2012

IT IS ORDERED that the petition for leave to appeal is granted. The entry of this order has the effect of the filing of a notice of appeal. 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 this petition and the docket entries maintained pursuant to WIS. STAT. 59.40 to the clerk of this court within three days of receipt of this order.

IT IS FURTHER ORDERED that once the appeal is this case is docketed, the appeal shall be consolidated for briefing and disposition with State v. Butts, No. 2012AP1863-CR.

IT IS FURTHER ORDERED that if no additional transcripts are ordered in Butts, the clerk of circuit court

shall compile the record on appeal and transmit the record under WIS. STAT. RULE 809.15(4). If an additional transcript must be prepared, the appellant shall inform the court reporter that the transcript shall be filed within thirty days of the date the transcript is requested and arrangements are made to pay for the transcript.

IT IS FURTHER ORDERED that the appellants in State v. OBrien shall file a statement on transcript no later than October 9, 2012.

IT IS FURTHER ORDERED that the briefing rules are modified as set forth in this order.

IT IS FURTHER ORDERED that no action is taken on the motion to file a non-party brief.

Comment: Motion to file non party brief in support of PLV (brief filed w/ motion)

OCCD CA 08-13-2012 Attorney Change

Comment: AG from Weber to St. John

OCCD CA 08-09-2012 Fee Paid

Comment: Receipt No: 12R 001888

OCCD CA 08-09-2012 Petition for Leave to Appeal

Filed By: Kathleen Stilling

Submit Date: 8-27-2012

Decision: (G) Grant

Decision Date: 9-28-2012

IT IS ORDERED that the petition for leave to appeal is granted. The entry of this order has the effect of the filing of a notice of appeal. 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 this petition and the docket entries maintained pursuant to WIS. STAT. 59.40 to the clerk of this court within three days of receipt of this order.

IT IS FURTHER ORDERED that once the appeal is this case is docketed, the appeal shall be consolidated for briefing and disposition with State v. Butts, No. 2012AP1863-CR.

IT IS FURTHER ORDERED that if no additional transcripts are ordered in Butts, the clerk of circuit court shall compile the record on appeal and transmit the record under WIS. STAT. RULE 809.15(4). If an additional transcript must be prepared, the appellant shall inform the court reporter that the transcript shall be filed within thirty days of the date the transcript is requested and arrangements are made to pay for the transcript.

IT IS FURTHER ORDERED that the appellants in State v. OBrien shall file a statement on transcript no later than October 9, 2012.

IT IS FURTHER ORDERED that the briefing rules are modified as set forth in this order.

IT IS FURTHER ORDERED that no action is taken on the motion to file a non-party brief.

Motion Response

Filed By: 34776 (St. John, Rebecca)

Submit Date: 8-27-2012

OCCD CA 07-26-2012 Non-Final Order of Circuit Court
