

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Timothy L. Finley, Jr.

Appeal Number 2014AP002488 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-24-2016		Remittitur
OCCD	SC	07-12-2016		Cites
		370 Wis. 2d 402		
OCCD	SC	07-12-2016		Cites
		882 N.W.2d 761		
OCCD	SC	07-12-2016		Opinion/Decision
		Judge Panel: Roggensack, Abrahamson, Bradley, Prosser, Ziegler, Gableman, Bradley Opinion: Opinion Decision: Affirmed and remanded Pages: 44 Written by: Abrahamson, Shirley S. Ziegler, Annette K. Wrote Dissenting Opinion 40 pages. Bradley, Rebecca G. Wrote Dissenting Opinion 19 pages. Order Text: The decision of the court of appeals is affirmed and the cause is remanded to the circuit court.		
OCCD	SC	07-08-2016		Public Domain Citation
		Comment: PDC No: 2016 WI 63		
OCCD	SC	04-07-2016		Oral Argument
		Comment: 1st case, 9:45 a.m. Atty Thomas J Balistreri for Pla-Res-Pet; Atty Catherine Malchow for Def-App		
OCCD	SC	03-22-2016		Briefs Received At State Law Library
OCCD	SC	03-16-2016		Reply Brief-Supreme Court Reply Brief-Supreme Court
		Filed By: Thomas Balistreri		
OCCD	SC	03-15-2016		Letter/Correspondence

Comment: From Clerk's Office to counsel: confirming oral argument date/time April 7, 2016 @ 9:45 a.m.

OCCD SC	03-11-2016	Assigned-Oral Argument
OCCD SC	03-01-2016	Response Brief-Supreme Court Response Brief-Supreme Court
Filed By: Catherine Malchow		
OCCD SC	02-10-2016	First Brief-Supreme Court First Brief-Supreme Court
Filed By: Thomas Balistreri Comment: Appx to First Brief-Supreme Court		
OCCD SC	01-28-2016	Response
Comment: 10 addl copies of CA briefs for SC		
OCCD SC	01-20-2016	Attorney Change
Comment: Added ASPD Malchow as counsel for Timothy Finley per filing of Notice of Entry of Appearance.		
OCCD SC	01-11-2016	Caption Amended
OCCD SC	01-11-2016	Court Changed to Supreme Court
OCCD CA	11-11-2015	Final Publication
OCCD CA	10-30-2015	Fee Waived
Comment: Filed by AG		
OCCD SC	10-29-2015	Petition for Review
Filed By: Thomas Balistreri Submit Date: 11-17-2015 Decision: (G) Grant Decision Date: 1-11-2016 ORD petition granted. FRO briefs due 30/20/10. 1. SHIRLEY S. ABRAHAMSON, J. (concurring in part, dissenting in part). I concur in part and dissent in part from the orders granting review in three cases, State v. Finley, 14AP2488-CR, Wisconsin Carry v. City of Madison, 2015AP146, and Regency West Apartments v. Racine, 2014AP2947. The efforts of one member of the court to unilaterally issue the grant orders threatened to contravene the court's internal procedures and raises the scent of lawlessness in this court. 2. On November 16, 2015, the court adopted a procedure governing when a justice may hold a matter in which a Commissioner of the SC recommended granting review. The procedure provides as follows: A justice, who wishes to hold a matter for which a Commissioner has recommended granting review, must submit in writing, with his or her e-mail votes, the specific reason(s) why he or she would not approve the grant as recommended by the Commissioner. Within 5 calendar days of that writing, all justices shall vote, by e-mail, to grant the matter, deny the matter, or otherwise approve the suggestions in the written proposal. If sufficient votes to grant the matter remain, the grant order shall issue within two business days. If the matter no longer has the requisite votes to grant, it shall be discussed in a court conference, but in any event, no later than at the next in-person		

petition for review conference. 3. The procedure was adopted pursuant to the Introduction to the SC's Internal Operating Procedures, which states that the IOP "may be changed without notice as circumstances require." The new procedure was adopted without any notice to the SC Commissioners and Clerk of the Supreme Court, let alone the litigants, lawyers, and the public. As a result, even members of the court staff are not apprised of the court's internal procedures and may err in their work. 4. A Commissioner of the SC recommended granting review in one of these three cases. In the other two cases, no recommendation regarding the granting of these petitions was made. 5. Although I opposed adopting this procedure, I followed it in holding the petition for review that the Commissioners recommended granting. On 1/7/16, I submitted in writing with my email votes on petitions for review my desire to hold this case and the reason why I would not approve the grant recommended by the Commissioners. According to the process outlined above, the justices are required to respond to my hold within 5 days. 6. Rather than wait for the votes of the justices, shortly after I submitted my holds, one member of the court, emailed the justices that unless she received votes from a majority of the court to honor my holds, orders would issue granting the petitions for review. 7. On 1/8/16, before any votes on my holds were received from any member of the court, a single member of the court emailed the justices that, because no justice had agreed with my request, these orders...

Motion Response
 Filed By: Martha Askins
 Submit Date: 11-17-2015

OCCD CA	10-28-2015	Cites
	872 N.W.2d 344	
OCCD CA	10-28-2015	Cites
	365 Wis. 2d 275	
OCCD CA	10-28-2015	Opinion Ordered Published
OCCD CA	10-28-2015	Public Domain Citation
	Comment: PDC No: 2015 WI App 79	
OCCD CA	09-30-2015	Opinion/Decision
	Judge Panel: Stark, Hruz, Cane	
	Opinion: Opinion	
	Decision: Reversed and remanded Pages: 22	
	Written by: Hruz, Thomas M.	
	Order Text: Judgment and order reversed and cause remanded for further proceedings with directions.	
OCCD CA	05-12-2015	Submitted on Briefs
OCCD CA	04-06-2015	Briefs Received At State Law Library
OCCD CA	03-18-2015	Record and Briefs Sent to District 3
OCCD CA	03-17-2015	Reply Brief Reply Brief
	Filed By: Martha Askins	

Comment: received 10 copies of CA BRY for SC use 1/27/16 EW

OCCD CA 02-27-2015 Brief of Respondent(s)
[Brief of Respondent](#)

Filed By: Thomas Balistreri

Comment: received 10 copies of CA BRS for SC use 1/28/16 EW

OCCD CA 01-16-2015 Motion to Extend Time

Filed By: Thomas Balistreri

Submit Date: 1-20-2015

Decision: (G) Grant

Decision Date: 1-21-2015

ORD that the time for filing the respondent's brief is extended to 3/4/15.

See BRS event due on 3-4-2015

OCCD CA 01-12-2015 Brief & Appx of Appellant(s)
[Brief of Appellant](#)

Filed By: Martha Askins

Comment: received 10 copies of CA BAP for SC use 1/27/16 EW Appx to Brief of Appellant(s)

OCCD CA 12-09-2014 Court Order

IT IS ORDERED that the deadline for the trial court to decide the postconviction motion is extended to October 17, 2014.

OCCD CA 12-05-2014 Sealed Documents

Comment: PSI #47

OCCD CA 12-05-2014 Record

Comment: 1-1 to 117-1

OCCD CA 11-14-2014 Court Reporter's Statement-Trans.

Court Reporter Name: (Fick, Jennifer)

OCCD CA 11-12-2014 Transcript filed in Circuit Court

OCCD CA 11-05-2014 Other Papers

Comment: CRS filed by L. Koenig

OCCD CA 11-03-2014 Statement on Transcript

Filed By: Martha Askins

Status: Ordered

OCCD CA 10-27-2014 Notif. Sent-Filing of NAP & Ct. Record

WSCCA Case History

OCCD CA	10-27-2014	Fee Waived
Comment: Filed by SPD		
OCCD CA	10-27-2014	Notice of Appeal & Circuit Court Docket Entries
OCCD CA	10-24-2014	Notice of Appeal filed in Cir. Ct.
OCCD CA	10-08-2014	Order of Circuit Court
OCCD CA	10-19-2012	Judgment of Circuit Court