Wisconsin Supreme Court and Court of Appeals Case Access

State v. David McAlister, Sr.

Appeal Number 2014AP002561

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	01-14-2019		Letter/Correspondence
	Comment: From US Supreme Court; advising petition for writ of certiorari is denied. 1/7/19			
OCCD	SC	07-19-2018		Remittitur
OCCD	SC	05-04-2018		Motion for Reconsideration
	Filed By: Robert Henak Submit Date: 5-17-2018 Decision: (D) Deny Decision Date: 6-14-2018 ORD that the motion is denied. No costs. Motion Response Filed By: Scott Rosenow Submit Date: 5-17-2018			
OCCD	SC	04-17-2018		Cites
	911 N.W.2d 77			
OCCD	SC	04-17-2018		Cites
	380 Wis. 2d 684			
OCCD	SC	04-17-2018		Opinion/Decision
	Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Gableman, Bradley, Kelly Opinion: Opinion Decision: Affirmed Pages: 29 Written by: Roggensack, Patience Drake Abrahamson, Shirley S. Joined Dissenting Opinion Bradley, Ann Walsh Wrote Dissenting Opinion 9 pages. Kelly, Daniel Wrote Concurring Opinion 3 pages. Order Text: The decision of the court of appeals is affirmed. Comment: Opinion/Decision			
OCCD	SC	04-13-2018		Public Domain Citation
	Comment: PDC No: 2018 WI 34			

OCCD	SC	01-11-2018	Oral Argument

Comment: at 1:30, p.m.; Robert Henak for Def-App-Pet; Scott Rosenow for Pla-Resp

OCCD	SC	01-10-2018	Briefs Received At State Law Library
OCCD	SC	12-28-2017	Certificate of Filing by Mail

Comment: BR3-IB 12/26/17

OCCD	SC	12-28-2017	Reply Brief-Supreme Court Reply Brief-Supreme Court

Filed By: Robert Henak

OCCD	SC	12-20-2017	Briefs Received At State Law Library
OCCD	SC	12-11-2017	Response Brief-Supreme Court Response Brief-Supreme Court

Filed By: Scott Rosenow

OCCD	SC	12-08-2017	Briefs Received At State Law Library
OCCD	SC	10-30-2017	Assigned-Oral Argument
OCCD	SC	10-30-2017	Letter/Correspondence

Comment: From Attorney Robert R. Henak regarding COM for BR1.

OCCD	SC	10-24-2017	Motion to Extend Time

Filed By: Scott Rosenow
Submit Date: 10-24-2017
Decision: (G) Grant
Decision Date: 10-25-2017
ORD that the motion is granted. The response brief of the State shall be served and filed on or before December 11, 2017.
See BR2 event due on 12-11-2017

OCCD	SC	10-20-2017	Certificate of Filing by Mail

Comment: IB- 10/18/2017

OCCD	SC	10-20-2017	First Brief-Supreme Court First Brief-Supreme Court

Filed By: Robert Henak

OCCD	SC	10-16-2017	Response

Comment: 10 additional CA briefs for SC use; Per 10/10/17 order, additional copies of defendant-appellant-petitioner CA briefs due 10/18/17

OCCD SC 10-10-2017 Motion to Extend Time

Filed By: Robert Henak
Submit Date: 10-10-2017
Decision: (G) Grant
Decision Date: 10-10-2017
ORD that the motion is granted. The opening brief of defendant-appellant-petitioner, David McAlister, Sr., shall be served and filed on or before October 18, 2017. Defendant-appellant-petitioner may also file with this court the required number of copies of his briefs filed in the court of appeals on or before October 18, 2017.
See BR1 event due on 10-18-2017

OCCD SC 09-11-2017 Caption Amended

OCCD SC 09-11-2017 Court Changed to Supreme Court

OCCD CA 06-15-2017 Attorney Change

Comment: AAG Rosenow for State per letter of appearance.

OCCD SC 06-12-2017 Court Order

ORD that the plaintiff-respondent, State of Wisconsin, is directed to file a response to the petition for review on or before 6/27/17.
See PRE event filed on 3-31-2017

OCCD SC 04-05-2017 Letter/Correspondence

Comment: no response to PRE will be filed unless ordered by the court. AAG Noet.

OCCD SC 04-03-2017 Fee Waived

OCCD SC 03-31-2017 Indig. Forms/Motion filed by pro se

Filed By: David McAlister
Submit Date: 3-31-2017
Decision: (G) Grant
Decision Date: 4-3-2017
Filing fee waived.

OCCD SC 03-31-2017 Petition for Review

Filed By: Robert Henak
Submit Date: 4-5-2017
Decision: (G) Grant
Decision Date: 9-11-2017
ORD that the petition for review is granted and that pursuant to Wis. Stat. (Rule) 809.62(6), the defendant-appellant-petitioner may not raise or argue issues not set forth in the petition for review unless otherwise ordered by the court; and
FRO that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, within 30 days after the date of this order the defendant-appellant-petitioner must file a brief in this court; that within 20 days of filing the plaintiff-respondent, State of Wisconsin, must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the plaintiff-respondent, within 10 days of filing the defendant-appellant-petitioner must file either a reply brief or a statement that no reply brief will be filed;

and
FRO that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and
FRO that the first brief filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; and
FRO that within 30 days after the date of this order, each party must provide the clerk of this courts with 10 copies of the brief previously filed on behalf of that party in the court of appeals; and
FRO that the allowance of costs, if any, in connection with the granting of the petition will abide the decision of this court on review.
Motion Response
Filed By: Scott Rosenow
Submit Date: 6-27-2017
This motion contains court order(s).

OCCD CA 08-22-2016 Motion for Reconsideration

Filed By: Robert Henak
Submit Date: 8-22-2016
Decision: (D) Deny
Decision Date: 3-3-2017
ORD that the request for reconsideration is denied. Wis. Stat. Rule 809.24(2)

OCCD CA 08-22-2016 Attorney Change

Comment: Attorney Robert R. Henak appears, pro bono, on behalf of appellant

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OCCD CA 08-10-2016 Opinion/Decision

Judge Panel: Gundrum, Hagedorn, Reilly
Opinion: Summary Disposition
Decision: Affirmed Pages: 5
Order Text: IT IS ORDERED that the order of the circuit court is summarily affirmed. WIS. STAT. RULE 809.21.

OCCD CA 11-10-2015 Submitted on Briefs

OCCD CA 09-30-2015 Briefs Received At State Law Library

Comment: Not retained at law library

OCCD CA 09-16-2015 Record and Briefs Sent to District 2

OCCD CA 09-09-2015 Reply Brief
Reply Brief

Filed By: David McAlister

Comment: Reply Brief

OCCD CA 08-20-2015 Brief of Respondent(s)
Brief of Respondent

Filed By: Nancy Noet

OCCD CA 08-06-2015 Motion to Extend Time

Filed By: Nancy Noet
Submit Date: 8-7-2015
Decision: (G) Grant
Decision Date: 8-10-2015
ORD that the time for the respondent to file its respondent's brief is extended to 8/21/15. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 8-21-2015

OCCD CA 07-22-2015 Motion to Extend Time

Filed By: Nancy Noet
Submit Date: 7-23-2015
Decision: (G) Grant
Decision Date: 7-24-2015
ORD that the time for the respondent to file its brief is extended to August 6, 2015. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 8-6-2015

OCCD CA 06-22-2015 Motion to Extend Time

Filed By: Nancy Noet
Submit Date: 6-23-2015
Decision: (G) Grant
Decision Date: 6-24-2015
ORD that the time for the respondent to file its brief is extended to 7/22/15. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 7-22-2015

OCCD CA 05-29-2015 Attorney Change

Comment: AAG Nancy A. Noet for State per letter notice of appearance

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OCCD CA 05-20-2015 Brief & Appx of Appellant(s)
Brief of Appellant(s)

Filed By: David McAlister

Comment: Brief of Appellant(s) Appx to Brief of Appellant(s)

OCCD CA 04-17-2015 Motion to Extend Time

Filed By: David McAlister
Submit Date: 4-17-2015
Decision: (G) Grant
Decision Date: 4-20-2015
ORD that the time for the appellant to file his appellant's brief is extended to 5/20/15. See Wis. Stat. Rule 809.82(2)(a).
See BAP event due on 5-20-2015

OCCD CA 03-10-2015 Record

Comment: 1-5 to 77-1, Separate Box

OCCD CA 02-19-2015 Court Reporter's Statement-Trans.

Court Reporter Name: (Anderson, Robin)

OCCD CA 02-17-2015 Transcript filed in Circuit Court

OCCD CA 01-26-2015 Motion for Miscellaneous Relief

Filed By: David McAlister
Submit Date: 1-26-2015
Decision: (D) Deny
Decision Date: 1-29-2015
ORD that the motion for an extension of time to file the appellant's brief is denied as unnecessary.
Comment: ext. time (file brief?)

OCCD CA 01-26-2015 Statement on Transcript

Filed By: David
Status McAlister: Ordered
Comment: 10/31/14 received uncertified SRT; letter sent requiring certified SRT by 11/25/14; 12/1/14 received copy of letter from TC to appellant advising arrangements must be made with CR directly

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OCCD CA 12-15-2014 Motion to Extend Time

Filed By: David McAlister
Submit Date: 12-15-2014
Decision: (G) Grant
Decision Date: 12-16-2014
ORD that the appellant shall file a statement on transcript no later than January 20, 2015. See Wis. Stat. Rule 809.82(2)(a) (2011-12).
See SRT event due on 1-20-2015

OCCD CA 12-11-2014 Delinquent

Comment: New due date of connected SRT: 12-18-2014

OCCD CA 12-01-2014 Letter/Correspondence

Comment: copy; from TC to appellant advising he must make arrangements for preparation and filing of transcript with court reporter directly

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OCCD CA 11-26-2014 Letter/Correspondence

Comment: from appellant enclosing copy of letter sent to TC along with statement on transcript form for completion

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OCCD CA 11-05-2014 Notif. Sent-Filing of NAP & Ct. Record

OCCD CA 11-05-2014 RAP and Guide Sent

OCCD CA 11-05-2014 Notice of Appeal & Circuit Court Docket Entries

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OCCD CA 11-03-2014 Notice of Appeal filed in Cir. Ct.

OCCD CA 10-31-2014 Indig. Forms/Motion filed by pro se

Filed By: David McAlister
Submit Date: 11-5-2014
Decision: (G) Grant
Decision Date: 11-5-2014
ORD filing fee waived.

OCCD	CA	10-10-2014	Order of Circuit Court