

Wisconsin Supreme Court and Court of Appeals Case Access

State v. B. D. S.

Appeal Number 2017AP001770

CONFIDENTIAL

Court of Appeals District 1

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	07-08-2019		Attorney Change Comment: per notice of appearance withdrew ADA Claire Starling, added ADA Meghan Lindberg as counsel for the State
OCCD	SC	03-14-2019		Letter/Correspondence Comment: Letter response to PRE filed by the State.
OCCD	SC	03-08-2019		Motion for Miscellaneous Relief Filed By: Courtney R Submit Date: 3-8-2019 Decision: (G) Grant Decision Date: 3-11-2019 ORD that the motion is granted. The response of the guardian ad litem for J.S., Attorney Courtney L.A. Roelandts, shall be served and filed on or before March 22, 2019. Comment: MXT to file GAL's response to PRE
OCCD	SC	03-06-2019		Attorney Change Comment: GAL Roelandts appears for J.S.
OCCD	SC	02-26-2019		Fee Waived Comment: SPD/CA
OCCD	SC	02-26-2019		Petition for Review Filed By: Brian Findley Submit Date: 3-22-2019 Decision: (D) Deny Decision Date: 8-14-2019 ORD that the petition for review is denied, without costs. Motion Response Filed By: Courtney R Submit Date: 3-22-2019
OCCD	SC	02-12-2019		Court Order

ORD that the petition for writ of habeas corpus is granted.

FRO that petitioner may file a petition for review from the adverse court of appeals' decision issued on August 28, 2018, in State v. B.D.S. No. 2017AP1770, no later than 10 days from the date of this order. State ex rel. Schmelzer v. Murphy, 201 Wis. 2d 245, 548 N.W.2d 45 (1996).

OCCD	CA	10-04-2018	Remittitur
OCCD	CA	09-26-2018 921 N.W.2d 5	Cites
OCCD	CA	09-26-2018 384 Wis. 2d 271	Cites
OCCD	CA	09-26-2018	Opinion Ordered Unpublished
OCCD	CA	09-07-2018 Comment: Reply Brief	Briefs Received At State Law Library
OCCD	CA	08-28-2018 Judge Panel: Brash Opinion: Opinion Decision: Affirmed Pages: 10 Order Text: Orders affirmed.	Opinion/Decision
OCCD	CA	08-13-2018 Filed By: Brian Findley Comment: Note that the caption has been corrected on this brief. Please use the above caption on all future briefs.	Reply Brief
OCCD	CA	08-10-2018	Briefs Received At State Law Library
OCCD	CA	08-03-2018 Comment: RE Ad Litem Brief: COM mailed 8/1/18	Certificate of Filing by Mail
OCCD	CA	08-03-2018 Filed By: Michael V Comment: Note that the caption has been corrected on this brief. Please use the above caption on all future briefs. Appx to Brief of Guardian ad Litem	Brief of Guardian ad Litem
OCCD	CA	08-01-2018	Briefs Received At State Law Library
OCCD	CA	07-13-2018 Comment: RE Respondent's Brief: COM/COS Mailed 7/12/18	Certificate of Filing by Mail

OCCD CA 07-13-2018

Brief of Respondent(s)

Filed By: Claire Starling

Comment: When using staples, please make sure there are no protruding or sharp staples. Note that the caption has been corrected on this brief. Please use the above caption on all future briefs. Appx to Brief of Respondent(s)

OCCD CA 07-11-2018

Motion for Miscellaneous Relief

Filed By: Michael V

Submit Date: 7-11-2018

Decision: (G) Grant

Decision Date: 7-12-2018

IT IS ORDERED Attorney Findley shall serve the appellants brief on the guardian ad litem on or before July 18, 2018. IT IS FURTHER ORDERED that the States brief and the guardian ad litem's brief may be filed on or before August 1, 2018.

Comment: MXT/BGL

OCCD CA 07-09-2018

Motion for Miscellaneous Relief

Filed By: Claire Starling

Submit Date: 7-10-2018

Decision: (G) Grant

Decision Date: 7-12-2018

IT IS ORDERED Attorney Findley shall serve the appellants brief on the guardian ad litem on or before July 18, 2018. IT IS FURTHER ORDERED that the States brief and the guardian ad litem's brief may be filed on or before August 1, 2018.

Comment: Motion to compel service of BAP and Amended Motion

OCCD CA 07-06-2018

Briefs Received At State Law Library

OCCD CA 06-28-2018

Record and Briefs Sent to District 1

OCCD CA 06-27-2018

Brief & Appx of Appellant(s)

Filed By: Brian Findley

Comment: Please note that corrections have been made to each brief's appendix due to breaches of confidentiality. Appx Brief of Appellant(s)

OCCD CA 06-12-2018

Record

Comment: Re-file 1-26 to 98-92, ELECTRONICALLY FILED

OCCD CA 05-29-2018

Order of Circuit Court

OCCD CA 03-16-2018

Motion for Miscellaneous Relief

Filed By: Brian Findley

Submit Date: 3-16-2018

Decision: (G) Grant

Decision Date: 3-20-2018

ORD that the deadline for the circuit court to decide the postjudgment motion is extended through June 1, 2018.

Comment: MXT for circuit court to decide post-remand motion

OCCD CA 11-10-2017

Record Remanded to Circuit Court

OCCD CA 11-08-2017

Motion for Remand

Filed By: Brian Findley

Submit Date: 11-9-2017

Decision: (G) Grant

Decision Date: 11-10-2017

IT IS ORDERED that this appeal is remanded forthwith to the circuit court to permit B.D.S. to pursue a postjudgment motion. This court retains jurisdiction over the appeal during the remand period.

IT IS FURTHER ORDERED that any postjudgment motion shall be filed within ten days of the date of this order.

IT IS FURTHER ORDERED that the circuit court shall conduct any necessary proceedings and enter an order containing its findings and conclusions resolving the postjudgment motion within sixty days of the date of this order.

IT IS FURTHER ORDERED that a transcript shall be ordered within three days after the hearing, if appellate counsel deems a transcript of the postjudgment proceedings necessary for appeal, and any such transcript shall be served and filed within twenty days of the date it is ordered. Counsel for the appellant shall provide the court reporter with a copy of this order.

IT IS FURTHER ORDERED that a statement on transcript shall be filed by appellate counsel within five days of the date of the hearing, reflecting either that a postjudgment transcript has been ordered or that such a transcript is not necessary for this appeal.

IT IS FURTHER ORDERED that the clerk of circuit court shall retransmit the records to this court within ten days of the later of the entry of the circuit court order resolving the postjudgment motion or the filing of the transcript of the postjudgment motion hearing if such transcript is ordered. The records shall include documents, including transcripts, filed pursuant to this remand, and the circuit courts order resolving the postjudgment motion. See WIS. STAT. 808.075(7).

IT IS FURTHER ORDERED that the appellant shall file a brief presenting all grounds for relief no later than fifteen days after the records are retransmitted to this court. See WIS. STAT. RULE 809.107(6)(a).

OCCD CA 10-12-2017

Motion for Miscellaneous Relief

Filed By: Brian Findley

Submit Date: 10-13-2017

Decision: (G) Grant

Decision Date: 11-1-2017

IT IS ORDERED that the deadline for filing a motion to remand in appeal No. 2017AP1770 is extended until November 8, 2017.

IT IS FURTHER ORDERED that no further extensions will be granted in these appeals absent extraordinary circumstances.

IF IS FURTHER ORDERED that Attorney Theresa J. Schmieder shall notify the State Public Defender no later than November 3, 2017, if she will be unable to comply with the due dates set by this court so that successor counsel may be appointed.

IT IS FURTHER ORDERED that the motion to dismiss is denied.

Comment: ext. time to file motion to remand

OCCD CA 10-11-2017

Motion to Dismiss

Filed By: Claire Starling

Submit Date: 10-11-2017

Decision: (D) Deny

Decision Date: 11-1-2017

IT IS ORDERED that the deadline for filing a motion to remand in appeal No. 2017AP1770 is extended until November 8, 2017.

IT IS FURTHER ORDERED that no further extensions will be granted in these appeals absent extraordinary circumstances.

IF IS FURTHER ORDERED that Attorney Theresa J. Schmieder shall notify the State Public Defender no later than November 3, 2017, if she will be unable to comply with the due dates set by this court so that successor counsel may be appointed.

IT IS FURTHER ORDERED that the motion to dismiss is denied.

OCCD	CA	10-09-2017	Statement on Transcript
		Filed By: Brian Findley	
		Status: Prev. Filed	

OCCD	CA	09-28-2017	Delinquent
		Comment: New due date of connected SRT: 10-5-2017	

OCCD	CA	09-25-2017	Record
		Comment: ELECTRONICALLY FILED: 1-26 to 87-151	

OCCD	CA	09-13-2017	Fee Waived
		Comment: SPD	

OCCD	CA	09-13-2017	Notif. Sent-Filing of NAP & Ct. Record
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OCCD	CA	09-13-2017	Termination of Parental Rights
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OCCD	CA	09-13-2017	Notice of Appeal & Circuit Court Docket Entries
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OCCD	CA	09-13-2017	X Transfer
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OCCD	CA	09-08-2017	Notice of Appeal filed in Cir. Ct.
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OCCD	CA	08-14-2017	Sua Sponte
		Filed By: Unassigned District 1	
		Submit Date: 8-15-2017	
		Decision: (D) Deny	
		Decision Date: 8-16-2017	
		IT IS ORDERED that the request to reconsider, as construed, is denied.	
		Comment: State's response to 8-10-2017 XNP, action?	

OCCD	CA	08-10-2017	Mot. Extend Time to file NAP/PCM
		Filed By: Theresa Schmieder	
		Submit Date: 8-10-2017	
		Decision: (G) Grant	
		Decision Date: 8-14-2017	
		IT IS ORDERED that the deadline for R. D. S. to file a notice of appeal is extended through September	

8, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
Comment: 2 (mother)

OCCD CA	07-26-2017	Order of Circuit Court
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OCCD CA	07-25-2017	Mot. Extend Time to file NAP/PCM
	Filed By: Theresa Schmieder	
	Submit Date: 7-25-2017	
	Decision: (G) Grant	
	Decision Date: 7-27-2017	
	IT IS ORDERED that the deadline for R. D. S. and B. A. S. to file notices of appeal in this matter is extended to August 25, 2017.	

OCCD CA	07-25-2017	Mot. Extend Time to file NAP/PCM
	Filed By: Brian Findley	
	Submit Date: 7-25-2017	
	Decision: (G) Grant	
	Decision Date: 7-27-2017	
	IT IS ORDERED that the deadline for R. D. S. and B. A. S. to file notices of appeal in this matter is extended to August 25, 2017.	

OCCD CA	06-22-2017	Court Order
	ORD that CR Shelley Bertermann shall, no later than June 29, 2017, file a status report regarding preparation of the transcripts of proceedings in this matter.	
	See XPT event filed on 6-20-2017	

OCCD CA	06-20-2017	Motion to Compel Production/Service of Transcripts
	Filed By: Claire Starling	
	Submit Date: 6-20-2017	
	Decision: (D) Deny	
	Decision Date: 7-7-2017	
	IT IS ORDERED that the motion to compel Reporter Bertermann to produce transcripts in this matter is denied.	
	Motion Response	
	Filed By: Shelley Bertermann Cutty	
	Submit Date: 6-29-2017	
	This motion contains court order(s).	

OCCD CA	09-08-2016	Mot. Extend Time to file Transcript
	Filed By: Shelley Bertermann Cutty	
	Submit Date: 9-12-2016	
	Decision: (G) Grant	
	Decision Date: 9-19-2016	
	IT IS ORDERED that the deadline for Court Reporter Bertermann to file transcripts in this matter is extended through January 9, 2017. See Wis. Stat. Rule 809.82(2)(a) (2013-14).	
