

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. Tracy E. McCarthy**

**Appeal Number 2018AP000484**

**Court of Appeals District 2**

## CASE HISTORY

| Status | Court | Filing Date   | Anticipated Due Date | Activity                             |
|--------|-------|---|----------------------|--------------------------------------|
| OCCD   | CA    | 03-27-2019<br>927 N.W.2d 161  |                      | Cites                                |
| OCCD   | CA    | 03-27-2019<br>386 Wis. 2d 352   |                      | Cites                                |
| OCCD   | CA    | 03-27-2019  |                      | Opinion Ordered Unpublished          |
| OCCD   | CA    | 03-19-2019<br>Comment: NRI sent by UPS  |                      | Remittitur                           |
| OCCD   | CA    | 02-13-2019<br>Filed By: Tracy McCarthy<br>Submit Date: 2-13-2019<br>Decision: (D) Deny<br>Decision Date: 2-14-2019<br>ORD that the motion for reconsideration is denied. Wis. Stat. Rule 809.24(2). |                      | Motion for Reconsideration           |
| OCCD   | CA    | 02-06-2019<br>Judge Panel: Gundrum<br>Opinion: Opinion<br>Decision: Affirmed Pages: 4<br>Order Text: Order affirmed   |                      | <a href="#">Opinion/Decision</a>     |
| OCCD   | CA    | 01-17-2019  |                      | Briefs Received At State Law Library |
| OCCD   | CA    | 01-04-2019  |                      | Submitted on Briefs                  |
| OCCD   | CA    | 01-03-2019  |                      | Record and Briefs Sent to District 2 |
| OCCD   | CA    | 12-27-2018<br>Comment: Re: Reply Brief; rcvd 10 copies of briefs mailed, 12-21-2018.  |                      | Certificate of Filing by Mail        |

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| OCCD CA | 12-27-2018  | Reply Brief<br><a href="#">Reply Brief</a>                            |
|         | Filed By: Tracy McCarthy  |   |
|         | Comment: Reply Brief  |   |
| OCCD CA | 12-06-2018  | Certificate of Service  |
|         | Comment: Filed by respondent advising BRS was resent to appellant 11/29/18.   |   |
| OCCD CA | 12-06-2018  | Motion to Extend Time   |
|         | Filed By: Tracy McCarthy  |   |
|         | Submit Date: 12-6-2018  |   |
|         | Decision: (G) Grant   |   |
|         | Decision Date: 12-7-2018  |   |
|         | ORD that the appellant's motion to strike is denied.  |   |
|         | FRO that the time for the appellant to file his reply brief is extended to January 2, 2019. See Wis. Stat. Rule 809.82(2)(a). |   |
|         | See BRY event due on 1-2-2019   |   |
| OCCD CA | 12-04-2018  | Affidavit of No Service filed   |
|         | Comment: Filed by appellant regarding BRS.  |   |
| OCCD CA | 11-30-2018  | Affidavit of No Service filed   |
|         | Comment: From Tracy McCarthy regarding BRS filed on 11-16-18  |   |
| OCCD CA | 11-30-2018  | Motion to Strike  |
|         | Filed By: Tracy McCarthy  |   |
|         | Submit Date: 11-30-2018   |   |
|         | Decision: (D) Deny  |   |
|         | Decision Date: 12-7-2018  |   |
|         | ORD that the appellant's motion to strike is denied.  |   |
|         | FRO that the time for the appellant to file his reply brief is extended to January 2, 2019. See Wis. Stat. Rule 809.82(2)(a). |   |
| OCCD CA | 11-16-2018  | Brief of Respondent(s)<br><a href="#">Brief of Respondent</a>         |
|         | Filed By: Abbey Nickolie  |   |
| OCCD CA | 10-17-2018  | Certificate of Filing by Mail   |
|         | Comment: Re: Defendant -Appellant Briefs. Separate Appx., mailed, 10-10-2018  |   |
| OCCD CA | 10-17-2018  | Brief & Appx of Appellant(s)<br><a href="#">Brief of Appellant(s)</a> |
|         | Filed By: Tracy McCarthy  |   |

Comment: 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. Separate Appendix. Brief of Appellant(s) Appx to Brief of Appellant(s)

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OCCD CA 10-11-2018

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Filed By: Unassigned District 2

Submit Date: 10-11-2018

Decision: (O) Other

Decision Date: 10-17-2018

ORD that the DVD submitted by McCarthy is rejected for filing. The clerk of this court shall return the DVD to McCarthy under separate cover.

FRO that with the exception of the DVD, the appellant's brief and appendix submitted by McCarthy on October 11, 2018, is accepted for filing as of the date of this order.

Comment: Disc filed with BAP, accept disc?

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OCCD CA 09-17-2018

Motion to Extend Time

Filed By: Tracy McCarthy

Submit Date: 9-17-2018

Decision: (G) Grant

Decision Date: 9-18-2018

ORD that the time for the appellant to file his appellant's brief is extended to October 22, 2018. See Wis. Stat. Rule 809.82(2)(a).

See BAP event due on 10-22-2018

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OCCD CA 09-10-2018

Motion to Correct/Supplement Record

Filed By: Tracy McCarthy

Submit Date: 9-10-2018

Decision: (D) Deny

Decision Date: 9-12-2018

ORD that the appellant's motion to supplement the record is denied.

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OCCD CA 07-13-2018

Motion to Extend Time

Filed By: Tracy McCarthy

Submit Date: 7-13-2018

Decision: (G) Grant

Decision Date: 7-16-2018

ORD that the time for the appellant to file his appellant's brief is extended to 9/21/18. See Wis. Stat. Rule 809.82(2)(a).

See BAP event due on 9-21-2018

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OCCD CA 06-12-2018

Non-Electronic Record Item

Comment: DVD - Filed by the defendant on the 03/28/17 court date.

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OCCD CA 06-11-2018

Sealed Documents

Comment: #34

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OCCD CA 06-11-2018

Record

Comment: 1-1 to 69-10, ELECTRONICALLY FILED

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| OCCD CA   | 06-01-2018 | Motion for Miscellaneous Relief |
| Filed By: Tracy McCarthy<br>Submit Date: 6-1-2018<br>Decision: (O) Other<br>Decision Date: 6-4-2018<br>ORD that no further action is taken on the pro se appellant's June 1, 2018 motion.<br>Comment: "motion to compel discovery/notice of spoliation of evidence"   |            |                                 |
| OCCD CA   | 05-21-2018 | Statement on Transcript         |
| Status: Other<br>Comment: defective SRT received 3/19/18; Defective letter sent 3/20/18.  |            |                                 |
| OCCD CA   | 05-18-2018 | Delinquency Motion              |
| Filed By: Unassigned District 2<br>Submit Date: 5-18-2018<br>Decision: (O) Other<br>Decision Date: 5-21-2018<br>ORD that the clerk of circuit court shall compile the record on appeal pursuant to Wis. Stat. Rule 809.15.<br>See SRT event due on 5-11-2018  |            |                                 |
| OCCD CA   | 04-13-2018 | Motion to Extend Time           |
| Filed By: Tracy McCarthy<br>Submit Date: 4-13-2018<br>Decision: (O) Other<br>Decision Date: 4-23-2018<br>ORD that the appellant shall file a statement on transcript no later than May 11, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).<br>FRO that the clerk of circuit court shall not compile the record on appeal pursuant to Wis. Stat. Rule 809.15 pending further order of this court.<br>FRO that all documents filed in this court must indicate that they have been served on the District Attorney and shall bear the Court of Appeals case number.<br>FRO that the appellant shall comply with this order and the Rules of Appellate Procedure or sanctions may be imposed. WIS. STAT. RULE 809.83(2).<br>See SRT event due on 4-9-2018<br>Comment: construed MXT; 4/20/18- "notice of request for time extension" received with copy of letter to CR. |            |                                 |
| OCCD CA   | 04-13-2018 | Fee Paid                        |
| Comment: Receipt No: 18R 000923   |            |                                 |
| OCCD CA   | 04-11-2018 | Other Papers                    |
| Comment: CRS: 10/10/16 transcript filed 4/9/18; CR Nicole Claudon   |            |                                 |
| OCCD CA   | 04-05-2018 | Other Papers                    |
| Comment: From Tracy McCarthy; copy of request for transcript confirmation and payment arrangements with court reporter.   |            |                                 |
| OCCD CA   | 03-22-2018 | Motion for Miscellaneous Relief |
| Filed By: Tracy McCarthy  |            |                                 |

Submit Date: 3-22-2018

Decision: (G) Grant

Decision Date: 3-26-2018

ORD that the time to pay the filing fee or file the completed fee waiver paperwork is extended to April 16, 2018. If the filing fee is not paid or the completed fee waiver paperwork is not filed by the extended deadline, the appeal will be dismissed. See Wis. Stat. Rule 809.83(2).

Comment: MXT to pay filing fee

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| OCCD CA | 03-15-2018 | Notif. Sent-Filing of NAP & Ct. Record |
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| OCCD CA | 03-15-2018 | Indigency Forms Sent |
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Filed By: Unassigned District 2

Submit Date: 4-13-2018

Decision: (N) No Action

Decision Date: 4-13-2018

No action. Filing fee paid 4/13/18

Comment: 3/26/18-received petition, not notarized

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| OCCD CA | 03-15-2018 | RAP and Guide Sent |
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| OCCD CA | 03-15-2018 | Notice of Appeal & Circuit Court Docket Entries |
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| OCCD CA | 03-09-2018 | Notice of Appeal filed in Cir. Ct. |
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| OCCD CA | 03-02-2018 | Order of Circuit Court |
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