

# Wisconsin Supreme Court and Court of Appeals Case Access

**Vincent Martinez v. Brian Hayes**

**Appeal Number 2014AP002095**

**Court of Appeals District 2**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	05-15-2017		Remittitur
OCCD	SC	02-28-2017		Letter/Correspondence Comment: no response to PRE to be filed by the state unless ordered by the court. AAG Potts
OCCD	SC	02-21-2017		Fee Paid Comment: Invoice No: 18194; Receipt No: 17R 000410
OCCD	SC	02-21-2017		Invoice Issued Comment: Invoice No: 18194
OCCD	CA	01-26-2017		Cites 895 N.W.2d 103
OCCD	CA	01-26-2017		Cites 373 Wis. 2d 308
OCCD	CA	01-26-2017		Opinion Ordered Unpublished
OCCD	SC	01-23-2017		Motion for Miscellaneous Relief Filed By: Vincent Martinez Submit Date: 1-23-2017 Decision: (N) No Action Decision Date: 1-23-2017 no action; motion unnecessary, petition and supporting paperwork received before deadline Comment: MXT to file petition to waive filing fee
OCCD	SC	01-23-2017		Prisoner indigency papers filed.
OCCD	SC	01-11-2017		Letter/Correspondence Comment: From appellant; requesting affidavit of indigency to be sent to him for PRE.

OCCD SC 01-11-2017 Indigency Forms Sent

Filed By: Unassigned District 2  
Submit Date: 1-23-2017  
Decision: (O) Other  
Decision Date: 1-23-2017  
ORD prepayment waived. Filing fee due.  
Motion Response  
Filed By: Vincent Martinez  
Submit Date: 1-23-2017

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OCCD SC 01-03-2017 Petition for Review

Filed By: Vincent Martinez  
Submit Date: 3-1-2017  
Decision: (D) Deny  
Decision Date: 5-15-2017  
ORD that the petition for review is denied, without costs.  
FRO that the motion for appointed counsel is also denied.  
Motion Response  
Filed By: Vincent Martinez  
Submit Date: 3-1-2017  
Comment: 1/5/17 CTO mailed in lieu of notice, strmnt. in support filed 2/28/17.

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OCCD SC 01-03-2017 Motion for Miscellaneous Relief

Filed By: Vincent Martinez  
Submit Date: 1-3-2017  
Decision: (D) Deny  
Decision Date: 1-5-2017  
ORD that the motion for extension of time is denied. The 30-day period in which to file a petition for review may not be enlarged. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 273 N.W.2d 704(1979); and  
FRO that the motion for extension of time shall be deemed to be timely but nonconforming petition for review. However, a statement in support of the petition, conforming to the requirements of Wis. Stat. 809.62(2) and (4), must be filed with the clerk of this court by 3/6/17. If the statement is not filed by that time, this petition will be summarily dismissed. No further extensions will be granted; and  
FRO that the motion for appointment of counsel is held in abeyance pending further order of the court.  
Comment: MXT to file PRE

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OCCD CA 12-21-2016 [Opinion/Decision](#)

Judge Panel: Gundrum, Hagedorn, Reilly  
Opinion: Opinion  
Decision: Affirmed Pages: 18  
Written by: Gundrum, Mark D.  
Order Text: Order affirmed

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OCCD CA 10-13-2016 Submitted on Briefs

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OCCD CA 09-21-2016 Hold Status

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OCCD CA 09-20-2016 Response

Comment: Respondent's Notice of Withdrawal of Argument 1, in response to 9/16/16 CTO

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OCCD CA	09-16-2016	Court Order
ORD that no later than 10/5/16, the respondent shall file a response to this order.		
OCCD CA	03-23-2016	Court Order
ORD that this appeal is held in abeyance pending this court's resolution of Antjuan Redmond v. Brian Foster, 2014AP2637.		
OCCD CA	12-15-2015	Briefs Received At State Law Library
OCCD CA	12-02-2015	Record and Briefs Sent to District 2
OCCD CA	12-01-2015	Reply Brief <a href="#">Reply Brief</a>
Filed By: Vincent Martinez		
Comment: Reply Brief		
OCCD CA	11-20-2015	Brief of Respondent(s) <a href="#">Brief of Respondent</a>
Filed By: Abigail Potts		
OCCD CA	10-26-2015	Certificate of Filing by Mail
Comment: BAP		
OCCD CA	10-22-2015	Brief & Appx of Appellant(s) <a href="#">Amended Brief of Appellant(s)</a>
Filed By: Vincent Martinez		
Comment: Amended Amended Brief of Appellant(s) Appx to Amended Brief of Appellant(s)		
OCCD CA	09-21-2015	Motion to Extend Time
Filed By: Vincent Martinez		
Submit Date: 9-21-2015		
Decision: (G) Grant		
Decision Date: 9-24-2015		
ORD that the time for the appellant to file the appellant's amended brief is extended to 11/5/15. See Wis. Stat. Rule 809.82(2)(a) (2013-14).		
See BAP event due on 11-5-2015		
OCCD CA	09-08-2015	Motion to Waive Filing Requirements
Filed By: Vincent Martinez		
Submit Date: 9-8-2015		
Decision: (D) Deny		
Decision Date: 9-9-2015		
ORD that the motion to reduce the number of copies of briefs and appendices is denied.		
FRO that the appellant's brief and appendix shall be filed on or before 10/6/15.		
Comment: copy requirement; petition to waive fees/costs filed along with motion		

OCCD CA	08-27-2015	Record
Comment: RE-FILE: 1-8 to 82-1		
OCCD CA	08-27-2015	Hold Status
OCCD CA	08-11-2015	Motion to Extend Time
Filed By: Theresa Russell Submit Date: 8-11-2015 Decision: (G) Grant Decision Date: 8-12-2015 ORD that the time for the clerk to return the record in this case is extended to August 31, 2015. Wis. Stat. Rules 809.15(4)(a) and 809.82(2)(a) (2013-14). See REC event due on 8-31-2015		
OCCD CA	08-10-2015	Attorney Change
Comment: AAG Abigail Potts for respondent per letter notice of appearance		
OCCD CA	08-06-2015	Statement on Transcript
Filed By: Vincent Status Martinez: Prev. Filed Comment: Amended		
OCCD CA	07-20-2015	Motion for Miscellaneous Relief
Filed By: Vincent Martinez Submit Date: 7-20-2015 Decision: (O) Other Decision Date: 8-4-2015 ORD that the time for filing the post-remand amended statement on transcript is extended to 9/2/15. FRO that the clerk of the circuit court shall return the record, including any additional portions pertaining to the remand, see Wis. Stat. s. 808.075(7), to this court within 14 days of 9/2/15 if no amended statement on transcript is filed, or within 14 days of the filing of the transcript to be produced according to the amended statement on transcript. Comment: ext. time to file SRT; 8/3/15 - Martinez requests status of MMS		
OCCD CA	07-16-2015	Notif. Sent - Filing of NOP & Ct. Rec.
Comment: Additional		
OCCD CA	07-16-2015	Notice of Addtl/Amended (Other) Appeal
Comment: Additional		
OCCD CA	07-13-2015	Other Appeal Filed In Circuit Court
Comment: Additional		
OCCD CA	07-06-2015	Order of Circuit Court
OCCD CA	02-09-2015	Motion for Miscellaneous Relief

Filed By: Andrew Gonring

Submit Date: 2-9-2015

Decision: (G) Grant

Decision Date: 2-10-2015

ORD that the time for the circuit court to enter a written order deciding the petition for writ of habeas corpus is extended to 7/21/15. Additional provisions set forth in our January 15, 2015 order remain in full force and effect.

Comment: Judge Gonring requests 90 day ext. to enter written order

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OCCD CA 01-15-2015

Record Remanded to Circuit Court

Comment: for purposes of deciding the parties' motions to supplement the record and the petition for writ of habeas corpus filed by Martinez on 8/6/14, pursuant to 1/15/15 CTO

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OCCD CA 12-05-2014

Motion to Correct/Supplement Record

Filed By: Maria Lazar

Submit Date: 12-11-2014

Decision: (G) Grant

Decision Date: 1-15-2015

IT IS ORDERED that pursuant to WIS. STAT. 808.075(6), the record is remanded to the circuit court for purposes of deciding the parties motions to supplement the record and the Petition for Writ of Habeas Corpus filed by Martinez on August 6, 2014. Copies of the parties motions to supplement shall be provided along with the record.

IT IS FURTHER ORDERED that the circuit court shall decide the parties motions to supplement within thirty-five days, and shall set a deadline for the filing of any supplementary materials ordered.

IT IS FURTHER ORDERED that on or before April 21, 2015, the circuit court shall enter a written order deciding the Petition for Writ of Habeas Corpus filed by Martinez on August 6, 2014. If additional time is needed, the parties may file an extension motion supported good cause.

IT IS FURTHER ORDERED that if the appeal will be pursued after the decision on remand, within seven days of the decision on remand, the appellant shall file an amended statement on transcript with respect to the remand hearing(s), if any.

IT IS FURTHER ORDERED that the clerk of the circuit court shall return the record, including any additional portions pertaining to the remand, see WIS. STAT. 808.075(7), to this court within fourteen days of the decision on remand if no amended statement on transcript is filed, or within fourteen days of the filing of the transcript to be produced according to the amended statement on transcript.

IT IS FURTHER ORDERED that any objection to the order entered on remand shall be included in the parties briefs and no separate objection under WIS. STAT. 808.075(8), is necessary.

Motion Response

Filed By: Vincent Martinez

Submit Date: 12-11-2014

Motion Response

Filed By: Maria Lazar

Submit Date: 12-16-2014

Motion Response

Filed By: Vincent Martinez

Submit Date: 12-26-2014

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OCCD CA 11-26-2014

Brief & Appx of Appellant(s)

Filed By: Vincent Martinez

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OCCD CA 11-10-2014

Letter/Correspondence

Comment: from appellant inquiring as to status of his petition to waive filing fee; crossed in mail with court's 11/6/14 CTO advising filing fee was paid

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OCCD CA	11-03-2014	Motion to Extend Time
Filed By: Vincent Martinez Submit Date: 11-3-2014 Decision: (G) Grant Decision Date: 11-4-2014 ORD that the time for the appellant to file an appellant's brief is extended to December 12, 2014. See Wis. Stat. Rule 809.82(2)(a) (2011-12) See BAP event due on 12-12-2014		
OCCD CA	10-16-2014	Prisoner indigency papers filed.
Comment: no action; filing fee previously paid		
OCCD CA	10-14-2014	Attorney Change
Comment: AAG Maria S. Lazar for State per filing of Notice of Appearance and Substitution of Counsel		
OCCD CA	10-09-2014	Letter/Correspondence
Comment: applnt. request information on service of brief; letter response sent		
OCCD CA	10-02-2014	Record
Comment: 1-8 to 16-1		
OCCD CA	09-16-2014	Fee Paid
Comment: Receipt No: 14R 002457		
OCCD CA	09-15-2014	Motion for Miscellaneous Relief
Filed By: Vincent Martinez Submit Date: 9-15-2014 Decision: (D) Deny Decision Date: 9-16-2014 ORD that the motion to amend the caption is denied. Comment: request to amend caption		
OCCD CA	09-15-2014	Statement on Transcript
Filed By: Vincent Status Martinez: Not Needed		
OCCD CA	09-08-2014	Indigency Forms Sent
Filed By: Unassigned District 2 Submit Date: 9-16-2014 Decision: (N) No Action Decision Date: 9-16-2014 no action; fee paid		
OCCD CA	09-08-2014	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	09-08-2014	RAP and Guide Sent

# WSCCA Case History

OCCD CA	09-05-2014	Notice of Appeal & Circuit Court Docket Entries
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OCCD CA	08-29-2014	Notice of Appeal filed in Cir. Ct.
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OCCD CA	08-19-2014	Order of Circuit Court
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