

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. Philip J. Hawley**

**Appeal Number 2015AP001113 - CR**

**Court of Appeals District 4**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	09-14-2021		Remittitur
OCCD	SC	09-14-2021		Hold Status
OCCD	SC	07-28-2021		Response Comment: Respondent Response to 02/24/2021 order
OCCD	SC	07-28-2021		Response Comment: Appellant response per 7/14/2021 court order
OCCD	SC	07-14-2021		Court Order IT IS ORDERED that the parties file simultaneous letters/briefs by July 28, 2021, discussing the impact of the Prado case, if any, on the issue raised in the petition for review. BRIAN HAGEDORN, J., did not participate. Comment: 07/14/2021 Order
OCCD	SC	02-24-2021		Court Order IT IS ORDERED that the petition for review shall be held in abeyance pending this court's disposition of Case No. 2016AP308-CR, State v. Prado (petition for review accepted on October 21, 2020; oral argument scheduled for March 18, 2021). BRIAN HAGEDORN, J., did not participate. Comment: 2-24-2021 Court Order
OCCD	CA	12-23-2020		Cites 395 Wis. 2d 293
OCCD	CA	12-23-2020		Cites 953 N.W.2d 111
OCCD	SC	12-23-2020		Letter/Correspondence Comment: from AG Sanders; State will not file formal response to the petition for review unless ordered by the court

OCCD CA	12-23-2020	Opinion Ordered Unpublished
OCCD SC	12-22-2020 Comment: Fee waived in COA	Fee Waived
OCCD SC	12-21-2020  Filed By: Brandon Kuhl Submit Date: 12-23-2020 Decision: (D) Deny Decision Date: 9-14-2021 IT IS ORDERED that the petition for review is denied, without costs. BRIAN HAGEDORN, J., did not participate. Comment: Ack. of Petition for Review 09-14-2021 Order	Petition for Review <a href="#">Petition for Review</a>
OCCD CA	11-19-2020 Judge Panel: Kloppenburg, Blanchard, Nashold Opinion: Per Curiam Decision: Affirmed Pages: 13 Order Text: Judgment and order affirmed.	<a href="#">Opinion/Decision</a>
OCCD CA	11-04-2020 Comment: Supplemental letter briefs	Briefs Received At State Law Library
OCCD CA	10-15-2020	Briefs Sent to District
OCCD CA	10-15-2020 Comment: Appellant's supplemental letter brief 10 copies mailed 10-12-2020 (IB)	Certificate of Filing by Mail
OCCD CA	10-15-2020  Filed By: Brandon Kuhl  Comment: Appellant's (P. Hawley) supplemental letter brief, per 9/28/2020 CTO; Acknowledgement of Appellant BOT	Other Brief <a href="#">Acknowledgement of Appellant BOT</a>
OCCD CA	10-14-2020 Comment: State BOT	Briefs Sent to District
OCCD CA	10-12-2020  Filed By: Michael Sanders  Comment: Respondent's (State of WI) supplemental letter brief, per 9/28/2020 CTO; Acknowledgement of State's letter brief	Other Brief <a href="#">State's Supplemental Letter Brief</a>

OCCD CA	09-28-2020	Court Order
IT IS ORDERED that, within 14 days of the date of this order, the parties shall file supplemental letter briefs as described above. See DAC event filed on 11-16-2020 Comment: Court Order 09282020		
OCCD CA	12-09-2019	Submitted - Other
OCCD CA	12-06-2019	Response
Comment: Appellant's Response; Regarding whether this court may rely on their letter brief filed in the Wisconsin Supreme Court as their current position in this matter per 11/21/19 CTO; Appellant's Response 12062019		
OCCD CA	11-26-2019	Response
Comment: Respondent's Response; Regarding whether this court may rely on their letter brief filed in the Wisconsin Supreme Court as their current position in this matter per 11/21/19 CTO; Respondent's Response 11262019		
OCCD CA	11-21-2019	Court Order
ORD that, within five days of the date of this order, the parties shall file responses indicating whether this court may rely on their letter briefs filed in the Wisconsin Supreme Court as their current positions in this matter. See DAC event filed on 11-16-2020 Comment: Court Order 11212019		
OCCD CA	09-03-2019	Hold Status
OCCD SC	07-08-2019	Court Order
ORD that the parties file simultaneous letters/briefs by 7/22/19, discussing the impact of the Mitchell decision, if any, on the issues presented in the pending certification. See CRT event filed on 11-21-2018		
OCCD SC	01-15-2019	Court Order
ORD the certification shall be held in abeyance pending the U.S. Supreme Court's disposition of Mitchell v. Wisconsin, U.S. Case No. 18-6210 (cert. granted January 11, 2019). See CRT event filed on 11-21-2018		
OCCD SC	01-14-2019	Letter/Correspondence
Comment: From AG Sanders; Informing Supreme Court that on 1/11/19 the U.S. Supreme Court granted a petition for writ of certiorari in State v. Mitchell in which the issue presented is "Whether a statute authorizing a blood draw from an unconscious motorist provides an exception to the Fourth Amendment warrant requirement".		
OCCD SC	11-21-2018	Certification Filed
Filed By: Unassigned District 4 Submit Date: 11-21-2018 Decision: (D) Deny Decision Date: 9-3-2019		

ORD that the certification is refused.

Motion Response

Filed By: Michael Sanders

Submit Date: 7-24-2019

Motion Response

Filed By: Brandon Kuhl

Submit Date: 7-24-2019

See DEC event filed on 11-21-2018

This motion contains court order(s).

Comment: Certification held in abeyance pending Mitchell v. Wisconsin, U.S. Case No. 18-6210; parties shall file letters/brief discussing the impact of the Mitchell decision, if any, on the issues presented in the pending certification, by 7/22/19; 7/22/19 - response filed by respondent per 7/8/19 CTO

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OCCD CA	11-21-2018	<a href="#">Opinion/Decision</a>
Judge Panel: Kloppenburg, Lundsten, Blanchard		
Opinion: Certification		
Decision: Certification Filed Pages: 19		
Order Text: Does a warrantless blood draw from an unconscious OWI suspect pursuant to Wisconsin's implied consent law supply voluntary consent for purposes of the Fourth Amendment.		

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OCCD CA	10-26-2018	Briefs Received At State Law Library
Comment: Supplemental Reply Brief		

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OCCD CA	10-04-2018	Briefs Sent to District
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OCCD CA	10-02-2018	Certificate of Filing by Mail
Comment: Re: Supp. Reply Brief; mailed, 09/28/2018		

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OCCD CA	10-02-2018	Other Brief
		<a href="#">Supplemental Reply Brief</a>
Comment: Supplemental Reply Brief		

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OCCD CA	09-25-2018	Briefs Received At State Law Library
Comment: Replacement Supplemental Brief of Respondent		

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OCCD CA	09-10-2018	Other Brief
		<a href="#">Replacement Supplemental Brief of Respondent</a>
Filed By: Michael Sanders		
Comment: Replacement Supplemental Brief of Respondent		

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OCCD CA	08-31-2018	Briefs Received At State Law Library
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OCCD CA	08-29-2018	Court Order
ORD that the State has 7 days from the date of this order to file a replacement supplemental brief, not exceeding 4,700 words, that answers all of the questions in our August 7, 2018 order.		

FRO that Hawley shall have 15 days after the receipt of the States replacement supplemental brief to file a response, not exceeding 4,700 words, to the States replacement supplemental brief.  
See DAC event filed on 11-19-2018

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OCCD CA	08-24-2018	Other Brief
Filed By: Michael Sanders		
Comment: Supplemental Brief of Respondent		

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OCCD CA	08-10-2018	Attorney Change
Comment: AAG Michael C. Sanders for State per letter notice of reassignment		

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OCCD CA	08-07-2018	Court Order
IT IS ORDERED that the State shall submit a supplemental brief, not to exceed 4,000 words, addressing the questions and topics as directed in this order within 20 days of the date of this order. IT IS FURTHER ORDERED that Hawley shall submit a supplemental brief, not to exceed 4,000 words, in response to the States supplemental brief as directed in this order within 20 days of service of the States brief. See DAC event filed on 11-19-2018		

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OCCD CA	07-03-2018	Hold Status
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OCCD CA	05-18-2017	Court Order
ORD that this appeal shall be placed on hold pending supreme court action in Mitchell, as describe above.		

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OCCD CA	03-01-2017	Hold Status
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OCCD CA	03-02-2016	Court Order
ORD that this appeal shall be placed on hold pending supreme court action in Howes, as described above. See DAC event filed on 11-19-2018		

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OCCD CA	12-04-2015	Submitted on Briefs
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OCCD CA	11-27-2015	Briefs Received At State Law Library
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OCCD CA	11-10-2015	Record and Briefs Sent to District 4
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OCCD CA	11-09-2015	Certificate of Filing by Mail
Comment: BRY		

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OCCD CA	11-06-2015	Reply Brief <a href="#">Reply Brief</a>
Filed By: Brandon Kuhl		

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OCCD CA 10-23-2015 Motion to Extend Time  
Filed By: Brandon Kuhl  
Submit Date: 10-26-2015  
Decision: (G) Grant  
Decision Date: 10-28-2015  
ORD that the time for the appellant to file his reply brief is extended to November 6, 2015. See Wis. Stat. Rule 809.82(2)(a).  
See BRY event due on 11-6-2015

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OCCD CA 10-05-2015 Brief of Respondent(s)  
[Brief of Respondent](#)  
Filed By: Scott Rosenow

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OCCD CA 09-28-2015 Motion to Extend Time  
Filed By: Scott Rosenow  
Submit Date: 9-29-2015  
Decision: (G) Grant  
Decision Date: 9-29-2015  
ORD that the time to file the respondent's brief is extended to October 6, 2015.  
See BRS event due on 10-6-2015

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OCCD CA 09-11-2015 Attorney Change  
Comment: Notice of Appearance for State of Wisconsin; delete AAG Weber; add AAG Rosenow

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OCCD CA 08-27-2015 Brief & Appx of Appellant(s)  
[Brief of Appellant](#)  
Filed By: Brandon Kuhl  
Comment: separate appendix: Please note that the title of this brief has been corrected.

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OCCD CA 08-12-2015 Motion to Extend Time  
Filed By: Brandon Kuhl  
Submit Date: 8-13-2015  
Decision: (G) Grant  
Decision Date: 8-17-2015  
ORD that the time to file the appellant's brief is extended to August 27, 2015.  
See BAP event due on 8-27-2015

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OCCD CA 07-03-2015 Sealed Documents  
Comment: PSI #55

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OCCD CA 07-03-2015 Record  
Comment: 1-3 to 82-1

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OCCD CA 06-05-2015 Received SPD Appointment Order

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OCCD CA 06-05-2015 Notif. Sent-Filing of NAP & Ct. Record

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## WSCCA Case History

OCCD CA	06-05-2015	Fee Waived
Comment: SPD appointed		
OCCD CA	06-05-2015	Statement on Transcript
Filed By: Brandon Kuhl Status: Prev. Filed		
OCCD CA	06-05-2015	Notice of Appeal & Circuit Court Docket Entries
OCCD CA	06-05-2015	X Transfer
OCCD CA	06-02-2015	Notice of Appeal filed in Cir. Ct.
OCCD CA	05-12-2015	Order of Circuit Court
OCCD CA	02-19-2015	Mot. Extend Time to file NAP/PCM
Filed By: Brandon Kuhl Submit Date: 2-20-2015 Decision: (G) Grant Decision Date: 2-27-2015 ORD that the time to file a postconviction motion or notice of appeal in this matter is extended to March 19, 2015.		
OCCD CA	09-23-2014	Judgment of Circuit Court