Wisconsin Supreme Court and Court of Appeals Case Access

State v. Gerald P. Mitchell

Appeal Number 2015AP000304 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-07-2019		Court Order
	IT IS ORDERED that the case is remanded to the circuit court for further proceedings consistent with Mitchell v. Wisconsin, 139 S. Ct. 2525 (2019). REBECCA F. DALLET and BRIAN K. HAGEDORN, JJ., did not participate.			
OCCD	SC	07-29-2019		Other Papers
	Comment: Certified copy of the mandate and judgment from U. S. Supreme Court, vacating 07-03-2018 decision and remanding for further proceedings.			
OCCD	SC	07-05-2019		Other Papers
	Comment: Copy of decision/opinion from U. S. Supreme Court, vacating 07-03-2018 decision and remanding for further proceedings.			
OCCD	SC	01-25-2019		Letter/Correspondence
	Comment: From US Supreme Court; advising writ of certiorari granted.			
OCCD	SC	10-09-2018		Letter/Correspondence
	Comment: From US Supreme Court; advising writ of certiorari filed, No. 18-6210.			
OCCD	SC	08-07-2018		Remittitur
OCCD	SC	07-03-2018		Cites
	383 Wis. 2d 192			
OCCD	SC	07-03-2018		Cites
	914 N.W.2d 151			
OCCD	SC	07-03-2018		Opinion/Decision
	Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Gableman, Bradley, Kelly Opinion: Opinion Decision: Affirmed Pages: 30 Written by: Roggensack, Patience Drake			

Abrahamson, Shirley S. Joined Dissenting Opinion
Bradley, Ann Walsh Wrote Dissenting Opinion 11 pages.
Bradley, Rebecca Grassl Joined Concurring Opinion
Kelly, Daniel Wrote Concurring Opinion 12 pages.
Order Text: The judgment of the circuit court is affirmed.
Comment: Opinion/Decision

OCCD SC 06-29-2018 Public Domain Citation

Comment: PDC No: 2018 WI 84

OCCD SC 04-11-2018 Oral Argument

Comment: 1st case, 9:45 a.m.; Attorney Linda Schaefer for Def-App; Deputy Solicitor General Ryan J. Walsh for Pla-Res; Attorney Lauren M. Blas for Ami (mothers against drunk driving)

OCCD SC 04-10-2018 Rsp. to Add'l/Supplemental Authorities

Comment: From Chief Solicitor General; State's response to Mitchell's additional authorities

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OCCD SC 04-09-2018 Rsp. to Add'l/Supplemental Authorities

Comment: From Linda Schaffer

OCCD SC 04-05-2018 Additional Authorities

Comment: Filed by Chief Deputy Solicitor General Ryan J. Walsh

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OCCD SC 03-19-2018 Briefs Received At State Law Library

OCCD SC 02-02-2018 Assigned-Oral Argument

OCCD SC 01-09-2018 Letter/Correspondence

Comment: From Attorney Linda Schaefer advising that she is unavailable for potential oral argument on 3/12/18, 3/14/18, and 3/15/18.

OCCD SC 01-08-2018 Letter/Correspondence

Comment: From Chief Deputy Solicitor General Walsh advising he is unavailable for potential oral argument on 3/22/18.

OCCD SC 12-15-2017 Motion for Miscellaneous Relief

Filed By: (St. John, Kevin)
Submit Date: 12-18-2017
Decision: (G) Grant
Decision Date: 12-19-2017
ORD that the motion is granted. The amicus shall be permitted to participate in the oral argument using 10 minutes of plaintiff-respondent's allotted 30 minutes for argument.
Comment: Motion for oral argument time-Mothers Against Drunk Driving

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OCCD SC 12-15-2017 Brief of Amicus Curiae
Brief of Amicus Curiae-MADD

Filed By: (St. John, Kevin)
Comment: Mothers Against Drunk Driving

OCCD SC 12-15-2017 Reply Brief-Supreme Court
Reply Brief-Supreme Court

Filed By: Linda Schaefer
Comment: Please note that the form and length certification pursuant to Rule 809.19(8)(d) has been corrected in this brief.

OCCD SC 12-04-2017 Motion to Extend Time

Filed By: Linda Schaefer
Submit Date: 12-4-2017
Decision: (G) Grant
Decision Date: 12-5-2017
ORD that the motion is granted. Defendant-appellant's reply brief shall be served and filed on or before December 13, 2017.
See BR3 event due on 12-13-2017
Comment: original copy of motion received via US mail 12/6/17

OCCD SC 11-30-2017 Motion to File Amicus/Non-Party Brief

Filed By: (St. John, Kevin)
Submit Date: 11-30-2017
Decision: (G) Grant
Decision Date: 12-1-2017
ORD that the pro hac vice motion is granted. A copy of SCR. 10.03(4), setting forth the requirement for attorneys appearing pro hac vice, is attached to the moving party's order.
FRO that the motion to leave to file non-party brief amicus curiae is also granted. Twenty-two copies of the brief shall be filed on or before December 15, 2017
Comment: Mothers Against Drunk Driving

OCCD SC 11-30-2017 Motion for Pro Hac Vice status

Filed By: (St. John, Kevin)
Submit Date: 11-30-2017
Decision: (G) Grant
Decision Date: 12-1-2017
ORD that the pro hac vice motion is granted. A copy of SCR. 10.03(4), setting forth the requirement for attorneys appearing pro hac vice, is attached to the moving party's order.
FRO that the motion to leave to file non-party brief amicus curiae is also granted. Twenty-two copies of the brief shall be filed on or before December 15, 2017.
Comment: Attorneys Theane D. Evangelis and Lauren M. Blas

OCCD SC 11-27-2017 Letter/Correspondence

Comment: From Chief Deputy Solicitor General Walsh advising he is unavailable for potential oral argument from 2/19/18 through 2/23/18.

OCCD SC 11-21-2017 Response Brief-Supreme Court
Response Brief-Supreme Court

Filed By: Ryan Walsh
Comment: Separate Appendix

OCCD SC 11-16-2017 Letter/Correspondence

Comment: From Chief Deputy Solicitor General Walsh advising of correction of the unavailable dates for potential oral argument are from 1/10/17 - 1/17/17.

OCCD SC 11-03-2017 Motion to Extend Time

Filed By: Ryan Walsh
Submit Date: 11-6-2017
Decision: (G) Grant
Decision Date: 11-7-2017
ORD that the motion is granted. Plaintiff-respondent's response brief shall be served and filed on or before 11/21/17.
See BR2 event due on 11-21-2017

OCCD SC 10-31-2017 Letter/Correspondence

Comment: From Chief Deputy Solicitor General Walsh advising he is unavailable for potential oral argument from 1/10/17 - 1/15/17.

OCCD SC 10-25-2017 Certificate of Filing by Mail

Comment: BR1 10/23/17

OCCD SC 10-25-2017 First Brief-Supreme Court
First Brief-Supreme Court

Filed By: Linda Schaefer
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. Appendix to First Brief-Supreme Court

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OCCD SC 10-11-2017 Attorney Change

Comment: Chief Deputy Solicitor General for State per notice of appearance.

OCCD SC 10-11-2017 Motion to Extend Time

Filed By: Linda Schaefer
Submit Date: 10-11-2017
Decision: (G) Grant
Decision Date: 10-11-2017
ORD that the motion is granted. Defendant-appellant's initial brief shall be served and filed on or before October 23, 2017.
See BR1 event due on 10-23-2017
Comment: Received copy of motion by mail 10/12/17

OCCD SC 10-11-2017 Response

Comment: 10/17 additional copies of CA briefs for SC use due

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

OCCD SC 05-17-2017 Certification Filed

Filed By: Unassigned District 2
Submit Date: 5-22-2017
Decision: (G) Grant

Decision Date: 9-11-2017
ORD the certification is granted and the appeal is accepted for consideration of all issues raised before the court of appeals. When this court grants direct review upon certification, it acquires jurisdiction of the case, Wis. Const. art. VII, 3(3), that is, the entire appeal, which includes all issues, not merely the issues certified or the issue for which the court accepts the certification. Stat v. Stoehr, 134 Wis. 2d 66, 70, 396 N.W.2d 177 (1986); Wis. Stat. 808.05(2) and (Rule)809.61. Further, the court has jurisdiction over issues not certified because the court may review an issue directly on its own motion. Wis. Stat. 808.05(3); and
FRO that within 30 days after the date of this order the appellant must file either a brief in this court or a statement that no brief will be filed; that within 20 days of filing, the respondent must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the respondent, within 10 days of filing, the appellant 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; instead, any material upon which there is reliance should be restated in the brief filed in this court; and
FRO that in the event any party elects not to file a brief in this court, the briefs previously submitted by that party to the court of appeals shall stand as that party's brief in the Supreme Court; and
FRO that within the time period established for the filing of the briefs, each party must provide the clerk of this court with copies of the briefs previously filed on behalf of that party in the court of appeals. If a party elects to file a new brief(s), 10 copies of their court of appeals brief(s) must be provided. If a party elect

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OCCD CA 05-17-2017 Opinion/Decision

Judge Panel: Hagedorn, Neubauer, Reilly
Opinion: Certification
Decision: Certification Filed Pages: 14
Order Text: This case raises a single question: whether the warrantless blood draw of an unconscious motorist pursuant to Wisconsin's implied consent law, where no exigent circumstances exist or have been argued, violates the Fourth Amendment.

OCCD CA 03-01-2017 Hold Status

OCCD CA 01-12-2017 Attorney Change

Comment: DA Urmanski for former DA DeCecco

OCCD CA 02-01-2016 Court Order

ORD that this appeal is held in abeyance pending the Wisconsin Supreme Court's resolution of State v. Howes, 2014AP1870-CR.
See DAC event filed on 5-12-2017

OCCD CA 12-17-2015 Submitted on Briefs

OCCD CA 10-13-2015 Briefs Received At State Law Library

OCCD CA 10-05-2015 Record and Briefs Sent to District 2

OCCD CA 10-02-2015 Reply Brief
Reply Brief

Filed By: Linda Schaefer

OCCD CA 09-16-2015 Motion to Extend Time

Filed By: Linda Schaefer
Submit Date: 9-16-2015
Decision: (G) Grant
Decision Date: 9-17-2015
ORD that the time for the appellant to file a reply brief is extended to October 1, 2015. See Wis. Stat. Rule 809.82(2)(a) (2013-14).
See BRY event due on 10-1-2015

OCCD CA 08-26-2015 Motion to Extend Time

Filed By: Linda Schaefer
Submit Date: 8-27-2015
Decision: (G) Grant
Decision Date: 8-28-2015
ORD that the time for the appellant to file his reply brief is extended to September 16, 2015. See Wis. Stat. Rule 809.82(2)(a).
See BRY event due on 9-16-2015

OCCD CA 08-14-2015 Brief of Respondent(s)
Brief of Respondent

Filed By: Michael Sanders

OCCD CA 08-04-2015 Motion to Extend Time

Filed By: Michael Sanders
Submit Date: 8-5-2015
Decision: (G) Grant
Decision Date: 8-6-2015
ORD that the time for the respondent to file its respondent's brief is extended to 8/14/15. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 8-14-2015

OCCD CA 07-23-2015 Motion to Extend Time

Filed By: Michael Sanders
Submit Date: 7-24-2015
Decision: (G) Grant
Decision Date: 7-27-2015
ORD that the time for the respondent to file its brief is extended to August 4, 2015. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 8-4-2015

OCCD CA 06-15-2015 Motion to Extend Time

Filed By: Michael Sanders
Submit Date: 6-16-2015
Decision: (G) Grant
Decision Date: 6-17-2015
ORD that the time for the respondent to file its brief is extended to July 15, 2015. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 7-15-2015

OCCD CA 05-26-2015 Letter/Correspondence

Comment: copy, AAG Sanders to Atty.Schafer advising the State has not received transcripts

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OCCD CA 05-22-2015 Attorney Change

Comment: AAG Sanders appears for State per ltr. of representation.

OCCD CA 05-13-2015 Brief & Appx of Appellant(s)
Brief of Appellant

Filed By: Linda Schaefer

OCCD CA 05-01-2015 Motion to Extend Time

Filed By: Linda Schaefer
Submit Date: 5-1-2015
Decision: (G) Grant
Decision Date: 5-12-2015
ORD motion granted, time extended to 5/12/15.
See BAP event due on 5-12-2015

OCCD CA 03-24-2015 Record

Comment: 1-9 to 90-19, Separate Box

OCCD CA 02-16-2015 Notif. Sent-Filing of NAP & Ct. Record

OCCD CA 02-16-2015 Fee Waived

Comment: SPD appointed

OCCD CA 02-16-2015 X Transfer

OCCD CA 02-13-2015 Notice of Appeal & Circuit Court Docket Entries

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OCCD CA 02-12-2015 Received SPD Appointment Order

OCCD CA 02-12-2015 Statement on Transcript

Filed By: Linda Schaefer
Status: Prev. Filed

OCCD CA 02-10-2015 Notice of Appeal filed in Cir. Ct.

OCCD CA 12-05-2014 Mot. Extend Time to file NAP/PCM

Filed By: Linda Schaefer
Submit Date: 12-5-2014
Decision: (G) Grant
Decision Date: 12-8-2014
ORD that the time for filing a notice of appeal or postconviction motion is extended to February 10, 2015. See Wis. Stat. Rule 809.82(2)(a) (2011-12).
Comment: 12/8/14 - rcvd. copies of XNP via first class mail

OCCD CA 08-07-2014 Received SPD Appointment Order

Comment: Linda J. Schaefer

OCCD CA 07-14-2014 Motion to Extend Time to File Notice of Intent

Filed By: Gerald Mitchell
Submit Date: 7-14-2014
Decision: (O) Other
Decision Date: 7-15-2014
ORD that time for filing a notice of intent to pursue postconviction relief under Wis. Stat. rule 809.30(2)(b), is extended to 6/2/14. Wis. Stat. Rule 809.82(2)(a).
FRO that the time for appointing counsel and requesting transcripts is extended to 30 days from the date of this order. See Wis. Stat. Rule 809.82(2)(a).

OCCD CA 06-04-2014 Judgment of Circuit Court
