Wisconsin Supreme Court and Court of Appeals Case Access

State v. Nelson Garcia, Jr.

Appeal Number 2016AP001276 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-23-2019		Letter/Correspondence
	Comment: Garcia requests page 2 of docket sheet, prepayment was not enclosed, placed in file			
OCCD	SC	05-21-2019		Remittitur
OCCD	SC	04-19-2019		Cites
	386 Wis. 2d 386			
OCCD	SC	04-19-2019		Cites
	925 N.W.2d 528			
OCCD	SC	04-19-2019		Opinion/Decision
	Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Bradley, Kelly, Dallet Opinion: Per Curiam Decision: Affirmed Pages: 1 Order Text: The decision of the court of appeals is affirmed by an equally divided court. SHIRLEY S. ABRAHAMSON, J., withdrew from participation. Comment: Opinion/Decision			
OCCD	SC	04-17-2019		Public Domain Citation
	Comment: PDC No: 2019 WI 40			
OCCD	SC	04-10-2019		Oral Argument
	Comment: 1st case, 9:45 a.m. Attorney Pamela Moorshead for DEF-APP-PET, Attorney Katherine D. Lloyd for PLA-RES.			
OCCD	SC	04-09-2019		Briefs Received At State Law Library
OCCD	SC	04-02-2019		Brief of Amicus Curiae Brief of Amicus Curiae - The Innocence Project and The Wisconsin Innnocence Project

Filed By: Keith Findley
Comment: The Innocence Project and The Wisconsin Innnocence Project. Please note that the case number has been corrected on the cover of all briefs. Brief of Amicus Curiae - The Innocence Project and The Wisconsin Innnocence Project

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OCCD SC 04-01-2019 Briefs Received At State Law Library

OCCD SC 04-01-2019 Certificate of Filing by Mail

Comment: RE: Reply Briefs; rcvd 22 copies of briefs, mailed, 03-28-2019.

OCCD SC 04-01-2019 Reply Brief-Supreme Court
Reply Brief-Supreme Court

Filed By: Pamela Moorshead

OCCD SC 03-28-2019 Motion to File Amicus/Non-Party Brief

Filed By: Keith Findley
Submit Date: 3-29-2019
Decision: (G) Grant
Decision Date: 4-2-2019
IT IS ORDERED that the motion is granted and the brief is accepted for filing.

OCCD SC 03-26-2019 Fee Paid

Comment: Receipt No: 19R 000794

OCCD SC 03-26-2019 Letter/Correspondence

Comment: Garcia requests copies of page 1-2 of First Brief, copies provided

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OCCD SC 03-14-2019 Motion to Waive Filing Requirements

Filed By: Katherine Lloyd
Submit Date: 3-15-2019
Decision: (G) Grant
Decision Date: 3-15-2019
ORD that the motion is granted and plaintiff-respondent's response brief filed on March 14, 2019, is accepted for filing.
Comment: exceed word limit in BR2 by no more than 500 words

OCCD SC 03-14-2019 Response Brief-Supreme Court
Response Brief-Supreme Court

Filed By: Katherine Lloyd

OCCD SC 02-15-2019 Motion to Extend Time

Filed By: Katherine Lloyd
Submit Date: 2-18-2019
Decision: (G) Grant
Decision Date: 2-19-2019
ORD that the motion is granted. The State of Wisconsin's response brief shall be served and filed on or before March 14, 2019. No further extensions will be given.
See BR2 event due on 3-14-2019

OCCD	SC	02-14-2019	Assigned-Oral Argument

OCCD	SC	02-08-2019	Certificate of Filing by Mail

Comment: RE: First Brief - Supreme Court, Shipped 2-7-19, COS

OCCD	SC	02-08-2019	First Brief-Supreme Court First Brief-Supreme Court

Filed By: Pamela Moorshead
Comment: Appx to First Brief-Supreme Court

OCCD	SC	02-01-2019	Motion to Extend Time

Filed By: Pamela Moorshead
Submit Date: 2-4-2019
Decision: (G) Grant
Decision Date: 2-5-2019
ORD that the motion is granted. Defendant-appellant-petitioner's initial brief shall be served and filed on or before February 7, 2019, and shall not exceed 13,500 words.
See BR1 event due on 2-7-2019
Comment: 2d; and increase word limit

OCCD	SC	02-01-2019	Fee Paid

Comment: Receipt No: 19R 000301; page 2 of docket card forwarded to Garcia

OCCD	SC	01-16-2019	Letter/Correspondence

Comment: Garcia requests copy of page 2 of docket card; response ltr. sent advised copy cost

OCCD	SC	12-21-2018	Motion to Extend Time

Filed By: Pamela Moorshead
Submit Date: 12-21-2018
Decision: (G) Grant
Decision Date: 12-27-2018
IT IS ORDERED that the motion is granted. Defendant-appellant-petitioner's initial brief shall be served and filed on or before February 1, 2019.
See BR1 event due on 2-1-2019

OCCD	SC	12-19-2018	Letter/Correspondence

Comment: applnt. requests page 2 of docket card, placed in file (9/12/18 ltr. advised applnt. no addtnl. free copies would be sent)

OCCD	SC	12-12-2018	Caption Amended

OCCD	SC	12-12-2018	Court Changed to Supreme Court

OCCD	CA	12-10-2018	Letter/Correspondence

Comment: applnt. requests page 2 of docket card, placed in file (9/12/18 ltr. advised applnt. no addtnl. free copies would be sent)

OCCD CA 10-24-2018 Letter/Correspondence

Comment: applnt. requests page 2 of docket, mailed 10/24/18

OCCD SC 10-11-2018 Attorney Change

Comment: SPD Moorshead appears for petitioner per notice of appearance.

OCCD SC 09-18-2018 Motion for Miscellaneous Relief

Filed By: Katherine Lloyd
Submit Date: 9-19-2018
Decision: (G) Grant
Decision Date: 9-20-2018
ORD that the motion is granted. The State of Wisconsin's response shall be served and filed on or before October 18, 2018.
Comment: MXT to file PRE response

OCCD CA 09-12-2018 Letter/Correspondence

Comment: Garcia requests copy of court docket; response ltr. informing Garcia no more free dockets will be sent, advised of copy cost, Atty. Haney is obligated to keep him informed

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OCCD SC 09-04-2018 Court Order

ORD that the State of Wisconsin is directed to file a response to the petition for review on or before September 18, 2018.

OCCD CA 07-05-2018 Letter/Correspondence

Comment: Rcv'd from DEF-APP-PET reqesting a copy of the case docket card; docket card sent 7-5-2018.

OCCD SC 05-31-2018 Letter/Correspondence

Comment: Letter response to PRE filed by the State

OCCD CA 05-30-2018 Cites

915 N.W.2d 729

OCCD CA 05-30-2018 Cites

382 Wis. 2d 269

OCCD CA 05-30-2018 Opinion Ordered Unpublished

OCCD SC 05-10-2018 Fee Waived

Comment: SPD

OCCD SC 05-10-2018 Petition for Review

Filed By: Robert Haney
Submit Date: 6-1-2018

Decision: (G) Grant
Decision Date: 12-12-2018
ORD that the petition for review is granted. Briefs/statements due 30/20/10.
Motion Response
Filed By: Katherine Lloyd
Submit Date: 10-19-2018

OCCD CA 05-10-2018 Letter/Correspondence

Comment: applnt. requests docket sheet, mailed 5/10/18

OCCD CA 04-10-2018 Opinion/Decision

Judge Panel: Dugan, Brash, Brennan
Opinion: Opinion
Decision: Affirmed Pages: 22
Written by: Brennan, Kitty K.
Order Text: Judgment affirmed

OCCD CA 03-07-2018 Letter/Correspondence

Comment: applnt. requests copyof docket card, mailed 3/13/18

OCCD CA 02-01-2018 Submitted on Briefs

OCCD CA 01-16-2018 Other Papers

Comment: Rcv'd letter from DEF-APP asking for a copy of this court's docket card, copy sent 01-16-2018

OCCD CA 01-10-2018 Briefs Received At State Law Library

OCCD CA 12-21-2017 Record and Briefs Sent to District 1

OCCD CA 12-20-2017 Reply Brief
Reply Brief

Filed By: Robert Haney

Comment: Appx to Reply Brief

OCCD CA 12-18-2017 Motion to Extend Time

Filed By: Robert Haney
Submit Date: 12-18-2017
Decision: (G) Grant
Decision Date: 12-19-2017
ORD that the time for the appellant to file the reply brief is extended to December 19, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BRY event due on 12-19-2017

OCCD CA 12-07-2017 Letter/Correspondence

Comment: Rcv'd letter from DEF-APP asking for a copy of this court's docket card, copy sent 12-7-2017.

OCCD CA 11-28-2017 Sua Sponte

Filed By: Unassigned District 1
Submit Date: 11-28-2017
Decision: (G) Grant
Decision Date: 11-29-2017
ORD that the deadline for filing the reply brief in this matter is extended to December 11, 2017.
Comment: letter from Atty. Rupich on behalf of Atty. Haney re MXT/BRY, action?

OCCD CA 11-21-2017 Motion to Extend Time

Filed By: Robert Haney
Submit Date: 11-22-2017
Decision: (G) Grant
Decision Date: 11-24-2017
IT IS ORDERED that the deadline for Garcia to file a reply brief in this matter is extended to December 1, 2017.
See BRY event due on 12-1-2017
Comment: 3

OCCD CA 11-13-2017 Letter/Correspondence

Comment: applnt. requests copy of docket, 11/13/17 mailed

OCCD CA 11-09-2017 Motion to Extend Time

Filed By: Robert Haney
Submit Date: 11-9-2017
Decision: (G) Grant
Decision Date: 11-10-2017
ORD that the deadline for Garcia to file the reply brief in this matter is extended to November 15, 2017.
See BRY event due on 11-15-2017

OCCD CA 10-26-2017 Motion to Extend Time

Filed By: Robert Haney
Submit Date: 10-27-2017
Decision: (G) Grant
Decision Date: 10-30-2017
ORD that the time for the appellant to file the reply brief is extended to Novemer 6, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BRY event due on 11-6-2017

OCCD CA 10-23-2017 Letter/Correspondence

Comment: Garcia requests copy of the docket card, mailed 10/24/17

OCCD CA 10-12-2017 Brief of Respondent(s)
Brief of Respondent

Filed By: Katherine Lloyd

OCCD CA 09-27-2017 Letter/Correspondence

Comment: applnt. requests copy of docket card, 9/29/17 copy mailed

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OCCD CA 09-08-2017 Letter/Correspondence

Comment: applnt. requests copies of pages 11 and 26 of BAP; 9/14/17 courtesy copies mailed

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OCCD CA 09-08-2017 Motion to Extend Time

Filed By: Katherine Lloyd
Submit Date: 9-8-2017
Decision: (G) Grant
Decision Date: 9-11-2017
ORD that the deadline for the State to file the respondent's brief in this matter is extended to October 12, 2017.
See BRS event due on 10-12-2017

OCCD CA 08-25-2017 Letter/Correspondence

Comment: applnt. requests copy of docket card; 8/28/17 - mailed

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OCCD CA 08-18-2017 Attorney Change

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

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OCCD CA 08-10-2017 Brief & Appx of Appellant(s)
Brief of Appellant

Filed By: Robert Haney

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

OCCD CA 08-07-2017 Letter/Correspondence

Comment: rcv'd from DEF-APP requesting a copy of the docket card; 8-9-17, copy of docket card sent.

OCCD CA 07-27-2017 Motion to Extend Time

Filed By: Robert Haney
Submit Date: 7-28-2017
Decision: (G) Grant
Decision Date: 7-31-2017
ORD that the deadline for filing the appellant's brief and appendix in this matter is extended to August 8, 2017.
See BAP event due on 8-8-2017
Comment: 3

OCCD CA 07-19-2017 Letter/Correspondence

Comment: applnt. requests docket card, mailed

OCCD CA 07-07-2017 Motion to Extend Time

Filed By: Robert Haney
Submit Date: 7-10-2017
Decision: (G) Grant
Decision Date: 7-13-2017
ORD that the deadline for Garcia to file a brief and appendix is extended through July 24, 2017.
See BAP event due on 7-24-2017
Comment: 2

OCCD CA 07-05-2017 Letter/Correspondence

Comment: applnt. requests copy of docket card; 7/5 - copy mailed

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OCCD CA 06-21-2017 Supplement to Record

Comment: ELECTRONICALLY FILED; 96-2 to 98-1

OCCD CA 06-12-2017 Letter/Correspondence

Comment: rcv'd rquest from DEF-APP for copy of the docket card; 6-12-17, copy of docket card sent, skg.

OCCD CA 05-30-2017 Letter/Correspondence

Comment: applnt. requests copy of docket sheet, 5/31/17 mailed

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OCCD CA 05-23-2017 Court Order

ORD that no later than June 5, 2017, Attorney Haney shall file copies of the requests for transcripts and the supplemental document described above.
See SUA event filed on 5-17-2017

OCCD CA 05-17-2017 Sua Sponte

Filed By: Unassigned District 1
Submit Date: 5-17-2017
Decision: (O) Other
Decision Date: 6-9-2017
IT IS ORDERED that, no later than June 23, 2017, Court Reporter Gloria Weber shall file the transcript of proceedings held on the morning of July 13, 2015, or, by that same date, file a status report regarding preparation of the transcript.
Motion Response
Filed By: Robert Haney
Submit Date: 6-8-2017
This motion contains court order(s).
Comment: SUP not rcvd. - per TC clerk CR Weber has not filed transcript

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OCCD CA 05-01-2017 Other Papers

Comment: applnt. requests copy of docket card, mailed 5/1/17

OCCD CA 03-14-2017 Letter/Correspondence

Comment: applnt. reqeusts copy of docket card, mailed 3/14/17

OCCD CA 03-03-2017 Motion for Miscellaneous Relief

Filed By: Robert Haney
Submit Date: 3-3-2017
Decision: (G) Grant
Decision Date: 3-14-2017
IT IS ORDERED that the deadline for filing the transcript of the above-described hearing held on July 13, 2015, is extended until April 25, 2017. IT IS FURTHER ORDERED that the clerk of the circuit court shall include the transcript of the hearing held July 13, 2015, in the appellate record no later than five days after the date the transcript is filed. IT IS FURTHER ORDERED that the deadline for filing the

appellant's brief is extended until ten days from the date the appellate record is supplemented.
Comment: MXT to file transcripts, supplementing the record, and file BAP

OCCD CA 02-27-2017 Motion to Extend Time

Filed By: Robert Haney
Submit Date: 2-27-2017
Decision: (G) Grant
Decision Date: 2-28-2017
ORD that the time for the appellant to file an appellant's brief is extended until March 6, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BAP event due on 3-6-2017

OCCD CA 02-22-2017 Delinquent

Comment: New due date of connected BAP: 3-1-2017

OCCD CA 02-21-2017 Letter/Correspondence

Comment: applnt. requests another copy of docket card, questions when brief is due, 2/22/16 docket card mailed

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OCCD CA 02-03-2017 Letter/Correspondence

Comment: applnt. requests copy of docket sheet; 2/8/17 - docket sheet provided

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OCCD CA 01-06-2017 Hold Status

OCCD CA 01-04-2017 Sua Sponte

Filed By: Unassigned District 1
Submit Date: 1-4-2017
Decision: (O) Other
Decision Date: 1-6-2017
ORD that the previously imposed hold in this matter is lifted.
FRO that the appellant's brief and appendix shall be filed w/in 40 days of the date of this order.
Comment: SPD appointment letter rcv'd 11-30-2016, lift hold and reset BAP due date?

OCCD CA 11-30-2016 Received SPD Appointment Order

Comment: for Atty. Robert Haney

OCCD CA 11-30-2016 Response

Comment: due from successor counsel advising this court of his or her appointment.

OCCD CA 10-18-2016 Sua Sponte

Filed By: Unassigned District 1
Submit Date: 10-18-2016
Decision: (O) Other
Decision Date: 10-20-2016
IT IS ORDERED that the public defenders letter of October 18, 2016, is accepted as filed. IT IS FURTHER ORDERED that successor counsel shall be appointed for Garcia within thirty days from the date of this order. IT IS FURTHER ORDERED that successor counsel shall advise this court within five days after his or her appointment in this matter. IT IS FURTHER ORDERED that the public defender

shall provide a copy of this order to successor counsel in this matter.
11/7/16 - Amended as to parties
Comment: Letter from SPD, action?

OCCD CA 10-18-2016 Response

Comment: per 10/13/16 cto - SPD to provide status report

OCCD CA 10-11-2016 Motion to Extend Time

Filed By: Jason Sanders
Submit Date: 10-12-2016
Decision: (O) Other
Decision Date: 10-13-2016
ORD that Attorney Sanders' motion to withdraw is granted.
FRO that the SPD shall file a status report regarding the appointment of successor counsel for Garcia no later than October 24, 2016.
FRO that this appeal is held in abeyance pending further order of this court.
See BAP event due on 10-12-2016

OCCD CA 10-11-2016 Motion to Withdraw as Counsel

Filed By: Jason Sanders
Submit Date: 10-12-2016
Decision: (G) Grant
Decision Date: 10-13-2016
ORD that Attorney Sanders' motion to withdraw is granted.
FRO that the SPD shall file a status report regarding the appointment of successor counsel for Garcia no later than October 24, 2016.
FRO that this appeal is held in abeyance pending further order of this court.

OCCD CA 09-07-2016 Court Order

IT IS ORDERED that the time to file a notice of appeal is extended to June 20, 2016.

OCCD CA 09-02-2016 Sealed Documents

Comment: Sealed #51

OCCD CA 09-02-2016 Record

Comment: ELECTRONICALLY FILED; 1-2 to 95-1

OCCD CA 08-31-2016 Delinquent

Comment: New due date of connected REC: 9-15-2016

OCCD CA 08-01-2016 Other Papers

Comment: CRS - CR Nelson serves 2/26/15 transcripts 7/29/16

OCCD CA 06-27-2016 Fee Waived

Comment: SPD

OCCD CA 06-27-2016 Received SPD Appointment Order

OCCD	CA	06-27-2016	Notif. Sent-Filing of NAP & Ct. Record
OCCD	CA	06-27-2016	Notice of Appeal & Circuit Court Docket Entries
OCCD	CA	06-27-2016	X Transfer
OCCD	CA	06-20-2016	Notice of Appeal filed in Cir. Ct.
OCCD	CA	06-17-2016	Statement on Transcript

Filed By: Jason Sanders
Status: Prev. Filed

OCCD	CA	03-09-2016	Miscellaneous Motion on XX-Case

Filed By: Jason Sanders
Submit Date: 3-10-2016
Decision: (G) Grant
Decision Date: 3-11-2016
IT IS ORDERED that the deadline for Court Reporter Duchrow to file her transcripts in this matter is extended to April 11, 2016.
Comment: Motion for clarification of deadline, or, in alternate, motion for extension of deadline

OCCD	CA	11-24-2015	Mot. Extend Time to file Transcript

Filed By: Katherine Nelson
Submit Date: 11-24-2015
Decision: (G) Grant
Decision Date: 11-30-2015
ORD that the deadline for Court Reporter Nelson to file transcripts in this matter is extended through February 5, 2016. See Wis. Stat. Rule 809.82(2)(a) (2013-14).

OCCD	CA	08-20-2015	Judgment of Circuit Court