Wisconsin Supreme Court and Court of Appeals Case Access

Lorenzo D. Kyles v. William Pollard

Appeal Number 2012AP000378 - W

Court of Appeals District 1

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	07-01-2022		Fee Paid
	Comment: Invoice No: 20298; Receipt No: 22R 001438			
OCCD	CA	07-01-2022		Invoice Issued
	Comment: Invoice No: 20298			
OCCD	CA	01-15-2015		Remittitur
	Comment: T/J			
OCCD	CA	12-11-2014		Opinion/Decision
	Judge Panel: Curley, Kessler, Brennan Opinion: Memo Opinion Decision: Petition for Writ Dismissed Pages: 2 Order Text: ORD that based on the joint motion of the parties, the time to file a notice of intent under Rule 809.30(2)(b) is extended to December 4, 2014. FRO that the petition for a writ of habeas corpus is dismissed.			
OCCD	CA	12-09-2014		Motion for Miscellaneous Relief
	Filed By: Robert Henak Submit Date: 12-9-2014 Decision: (G) Grant Decision Date: 12-11-2014 ORD that based on the joint motion of the parties, the time to file a notice of intent under Rule 809.30(2)(b) is extended to December 4, 2014. FRO that the petition for a writ of habeas corpus is dismissed. Comment: joint motion to extend time to file notice of intent to pursue post-conviction relief and dismissal of knight petition as moot			
OCCD	CA	12-09-2014		Response
	Comment: Per 8/21/14 CTO, within thirty days of the entry of the circuit courts findings, the petitioner shall file a supplemental memorandum in support of his petition. State's response due twenty-one days later.			
OCCD	CA	10-09-2014		Motion to Extend Time

Filed By: Robert Henak
Submit Date: 10-9-2014
Decision: (G) Grant
Decision Date: 10-10-2014
ORD that the deadline for the circuit court to conduct a hearing and enter written findings of fact is extended to December 19, 2014, and that all other deadlines outlined in our August 21, 2014 order remain in effect.
See RSP event due on 12-19-2014

OCCD CA 08-21-2014 Court Order

ORD that this matter is remanded to the circuit court for a hearing consistent with this order and the Wisconsin Supreme Courts decision in State ex rel. Kyles v. Pollard, 2014 WI 38, 4, 49-54, __ Wis. 2d __, 847 N.W.2d 805.
FRO that the circuit court shall conduct a hearing and enter written findings of fact within sixty days of the date of this order, and that the clerk of circuit court shall provide a copy of the circuit courts findings to this court within five days of the entry of those findings.
FRO that within seven days of the circuit courts entry of its written findings, any party that wants to provide a transcript of the proceedings to this court shall make arrangements with the court reporter for the production of a transcript, and the transcript shall be produced within twenty days.
FRO that within thirty days of the entry of the circuit courts findings, the petitioner shall file a supplemental memorandum in support of his petition.
FRO that within twenty-one days after the petitioner files his supplemental memorandum in support of his petition, the State shall file a response to the supplemental memorandum.

OCCD CA 08-19-2014 Response

Comment: State's Response to petition

OCCD CA 08-01-2014 Response

Comment: Henak response to 7/29/14 cto

OCCD CA 07-29-2014 Court Order

ORD that Attorney Robert R. Henak shall inform this court within seven days of the date of this order whether he will be continuing as counsel for Kyles.
FRO that within twenty-one days of the date of this order, the State shall file a response to the petition setting forth whether it opposes the petition and any other defenses the State might have.

See WHC event filed on 6-17-2014

OCCD SC 07-25-2014 Court Changed to Court of Appeals

OCCD SC 06-17-2014 Cites

354 Wis. 2d 626

OCCD SC 06-17-2014 Cites

847 N.W.2d 805

OCCD CA 06-17-2014 Petition for Writ of Habeas Corpus

Filed By: Unassigned District 1
Submit Date: 7-25-2014

Decision: (M) Dismiss
Decision Date: 12-11-2014
ORD that based on the joint motion of the parties, the time to file a notice of intent under Rule 809.30(2)(b) is extended to December 4, 2014. FRO that the petition for a writ of habeas corpus is dismissed.
Motion Response
Filed By: 32925 (O'Neil, Aaron)
Submit Date: 8-19-2014
This motion contains court order(s).
Comment: remanded from SC

OCCD SC 06-17-2014 Opinion/Decision

Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman
Opinion: Opinion
Decision: Reversed and remanded Pages: 25
Written by: Bradley, Ann Walsh
Order Text: The decision of the court of appeals is reversed, and the cause is remanded to the court of appeals.

OCCD SC 06-16-2014 Public Domain Citation

Comment: PDC No: 2014 WI 38

OCCD SC 05-14-2014 Rsp. to Add'l/Supplemental Authorities

Comment: filed by AG O'Neil Rsp. to Add'l/Supplemental Authorities

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OCCD SC 05-08-2014 Briefs Received At State Law Library

Comment: Additional Authorities

OCCD SC 05-05-2014 Additional Authorities

Comment: filed by Attorney Robert Henak Additional Authorities

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OCCD SC 04-07-2014 Briefs Received At State Law Library

OCCD SC 04-03-2014 Oral Argument

Comment: 2nd case, 9:45 a.m. Atty Robert Henak for Pet; AAG Aaron O'Neil for Res

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OCCD SC 03-06-2014 Other Papers

Comment: Notice of Correction to Footnote Assertion in Response Brief Other Papers-Notice of Correction to Footnote Assertion in Response Brief

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OCCD SC 02-19-2014 Reply Brief-Supreme Court
Reply Brief-Supreme Court

Filed By: Robert Henak

OCCD SC 02-10-2014 Response Brief-Supreme Court
Brief of Respondent-Supreme Court

Filed By: 32925 (O'Neil, Aaron)

OCCD SC 01-24-2014 Motion to Extend Time

Filed By: 32925 (O'Neil, Aaron)
Submit Date: 1-24-2014
Decision: (G) Grant
Decision Date: 1-24-2014
IT IS ORDERED that the motion is granted in part. Respondents response brief shall be served and filed on or before February 10, 2014. No further extensions of time will be granted to this party.
See BR2 event due on 2-10-2014

OCCD SC 01-17-2014 Assigned-Oral Argument

OCCD SC 01-16-2014 First Brief-Supreme Court
First Brief-Supreme Court

Filed By: Robert Henak
Comment: Note that the caption has been corrected on brief. Please use the above caption on all future briefs. 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.

OCCD SC 12-17-2013 Court Changed to Supreme Court

OCCD SC 01-09-2013 Response

Comment: response to PRE as ordered 12/11/12

OCCD SC 12-18-2012 Motion to Extend Time

Filed By: 32925 (O'Neil, Aaron)
Submit Date: 12-19-2012
Decision: (G) Grant
Decision Date: 12-19-2012
ORD that the motion is granted. Respondent's response to the petition for review shall be served and filed on or before January 9, 2013.
See RSP event due on 1-9-2013

OCCD CA 12-18-2012 Attorney Change

Comment: AG from Weber to O'Neil

OCCD SC 12-11-2012 Court Order

ORD that within 14 days of the date of this order, the respondent, William Pollard, is directed to file a response to the petition for review, addressing specifically the correctness of the court of appeals' May 9, 2012 decision in light of State ex rel Smalley v. Morgan, abrogated on other grounds by State ex rel Coleman v. Caughtry and State ex rel Santana v. Endicott. The State is further directed to discuss in its response the preclusive effect, if any, of prior state court proceedings on the instant case.

OCCD CA 12-11-2012 Attorney Change

Comment: Address change for Lorenzo Kyles

OCCD SC 07-16-2012 Petition for Review

Filed By: Lorenzo Kyles

Submit Date: 9-20-2012
Decision: (G) Grant
Decision Date: 12-17-2013
ORD that the petition for review is granted. Briefs/statements 30/20/10
FRO that Kyles' motion to appoint counsel is granted. Atty Robert Henak shall serve as counsel for Lorenzo D. Kyles. Henak's representation is pro bono and not subject to compensation under SCR ch 81.
FRO that the allowance of costs, if any, in connection with the granting of the petition will abide the decision of this court on review.
Motion Response
Filed By: Lorenzo Kyles
Submit Date: 9-20-2012
Motion Response
Filed By: Gregory Weber
Submit Date: 9-20-2012
Motion Response
Filed By: 32925 (O'Neil, Aaron)
Submit Date: 1-9-2013

OCCD SC 07-12-2012 Motion to Appoint Counsel

Filed By: Lorenzo Kyles
Submit Date: 7-16-2012
Decision: (G) Grant
Decision Date: 12-17-2013
ORD mtn to appt counsel is granted.
Motion Response
Filed By: Lorenzo Kyles
Submit Date: 1-29-2013
Comment: held in abeyance during pendency of PRE

OCCD SC 07-12-2012 Indig. Forms/Motion filed by pro se

Filed By: Lorenzo Kyles
Submit Date: 7-16-2012
Decision: (G) Grant
Decision Date: 7-16-2012
ORD FWA-IND
Comment: 7/13/12 trust account

OCCD SC 07-11-2012 Motion for Miscellaneous Relief

Filed By: Lorenzo Kyles
Submit Date: 7-12-2012
Decision: (D) Deny
Decision Date: 7-16-2012
ORD that the motion to extend the time to file a petition for review is denied. The 30 day period in which to file a petition for review may not be enlarged. FRO that the motion itself shall be deemed to be a timely petition for review. However, a statement in support of the petition, coforming to the requirements, must be filed with the clerk of this court by 9/12/12. If the statement is not filed by that time, this petition will be summarily dismissed. No further time extensions will be granted; FRO that the motion to appoint counsel is held in abeyance during the pendency of the petition for review.
Comment: MXT to file PRE & to appoint counsel

OCCD CA 05-29-2012 Motion for Reconsideration

Filed By: Lorenzo Kyles

Submit Date: 5-29-2012
Decision: (D) Deny
Decision Date: 6-14-2012
ORD that the motion for reconsideration is denied.

OCCD CA 05-09-2012 Opinion/Decision

Judge Panel: Curley, Fine, Kessler
Opinion: Memo Opinion
Decision: Petition for Writ Dismissed Pages: 4
Order Text: IT IS ORDERED that Kyles's petition for a writ of habeas corpus is denied ex parte. See WIS. STAT. RULE 809.51(2).

OCCD CA 02-22-2012 Indig. Forms/Motion filed by pro se

Filed By: Lorenzo Kyles
Submit Date: 2-22-2012
Decision: (G) Grant
Decision Date: 2-23-2012
ORD FWA-IND
Comment: ineffective assistance of counsel

OCCD CA 02-22-2012 Petition for Writ of Habeas Corpus

Filed By: Lorenzo Kyles
Submit Date: 2-23-2012
Decision: (D) Deny
Decision Date: 5-9-2012
IT IS ORDERED that Kyles's petition for a writ of habeas corpus is denied ex parte. See WIS. STAT. RULE 809.51(2).
