

# Wisconsin Supreme Court and Court of Appeals Case Access

## State v. Theophilous Ruffin

### Appeal Number 2019AP001046 - CR

Supreme Court

#### CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	07-06-2022		Remittitur
OCCD	SC	05-26-2022		Published Opinion Citation
		401 Wis. 2d 619		
OCCD	SC	05-26-2022		Published Opinion Citation
		974 N.W.2d 432		
OCCD	SC	05-26-2022		<a href="#">Opinion/Decision</a>
		Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky		
		Opinion: Opinion		
		Decision: Reversed Pages: 19		
		Written by: Bradley, Ann Walsh		
		Order Text: THE DECISION OF THE COURT OF APPEALS IS REVERSED.		
OCCD	SC	05-25-2022		Public Domain Citation
		Comment: PDC No: 2022 WI 34		
OCCD	SC	04-05-2022		Oral Argument
		Comment: 1st case, 9:45 a.m. (in the Capitol Hearing Room). Jennifer L. Vandermeuse for Plaintiff-Respondent-Petitioner. Nicole M. Masnica for Defendant-Appellant		
OCCD	SC	03-09-2022		Briefs Received At State Law Library
OCCD	SC	02-23-2022		Assigned for Oral Argument
OCCD	SC	12-14-2021		Reply Brief-Supreme Court
		Filed By: Jennifer Vandermeuse		
OCCD	SC	11-30-2021		Response Brief-Supreme Court
				<a href="#">Response Brief Supreme Court - BR2</a>

OCCD SC 11-15-2021 Motion to Extend Time  
Filed By: Nicole Masnica  
Submit Date: 11-15-2021  
Decision: (G) Grant  
Decision Date: 11-17-2021  
IT IS ORDERED that the motion is granted. Defendant-appellant-respondent's response brief shall be filed on or before November 29, 2021.  
See BR2 event due on 11-29-2021

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OCCD SC 10-28-2021 Letter/Correspondence  
Comment: letter rcv'd from PLA-RES-PET that issue in this case is similar to those in 2018AP942-CR, State v. Spencer, should the court wish to schedule the two cases oral arguments on the same day SC Order

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OCCD SC 10-26-2021 First Brief-Supreme Court  
[First Brief Supreme Court - BR1](#)  
Comment: Separate appendix.

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OCCD SC 10-04-2021 Letter/Correspondence  
Comment: Cover Letter - Motion for Extension of Time to file BR1

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OCCD SC 10-04-2021 Motion to Extend Time  
Filed By: Jennifer Vandermeuse  
Submit Date: 10-5-2021  
Decision: (G) Grant  
Decision Date: 10-6-2021  
IT IS ORDERED that the motion is granted. Plaintiff-respondent-petitioner's opening brief shall be filed on or before October 26, 2021.  
See BR1 event due on 10-26-2021

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OCCD SC 09-23-2021 Notice of Appearance  
Comment: AAG Vandermeuse appears for State per ltr. of representation

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OCCD SC 09-23-2021 Letter/Correspondence  
Comment: Atty. Masnica advises dates she is unavailabe for oral argument (1/3/22 through 1/21/22)

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OCCD SC 09-17-2021 Caption Amended  
Comment: SC Order 9/17/21

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OCCD SC 09-17-2021 Court Changed to Supreme Court

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OCCD CA 04-28-2021 Published Opinion Citation  
397 Wis. 2d 242

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OCCD CA 04-28-2021 Published Opinion Citation  
959 N.W.2d 77

OCCD CA	04-28-2021	Opinion Ordered Unpublished
OCCD SC	04-21-2021	Letter/Correspondence Comment: Atty Masnica response to State's petition for review
OCCD CA	04-20-2021	Certificate of Filing by Mail Comment: State's letter in response to Def-App petition for review
OCCD SC	04-20-2021	Letter/Correspondence Comment: AAG Barber advises state opposes review of issues raised by Def-App, will not file further response unless ordered to by the court
OCCD CA	04-09-2021	Fee Paid Comment: Receipt No: 21R 000792
OCCD SC	04-08-2021	Fee Waived Comment: AG's Office
OCCD SC	04-08-2021	Petition for Review Filed By: Timothy Barber Submit Date: 4-21-2021 Decision: (G) Grant Decision Date: 9-17-2021 ORD that the petition for review filed on behalf of defendant-appellant-petitioner, Theophilous Ruffin, is denied; FRO that the petition for review filed by plaintiff-respondent-petitioner, State of Wisconsin, is granted; that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, within 30 days after the date of this order plaintiff-respondent-petitioner must file a brief in this court; that within 20 days of filing, defendant-appellant, Theophilous Ruffin, must file either a responsive brief or a statement that no brief will be filed; and that if a brief is filed by defendant-appellant, within 10 days of filing plaintiff-respondent-petitioner must file either a reply brief or a statement that no reply brief will be filed; and FRO that pursuant to Wis. Stat. 809.62(6), the parties may only raise or argue issues set forth in the State's petition for review unless otherwise ordered by the court; and FRO that the first brief filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; 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 or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and FRO that, if a party has not previously filed an electronic copy of the briefs filed on behalf of that party in the court of appeals, the party, within 30 days after the date of this order, must provide the clerk of this court with 10 copies of the brief previously filed on behalf of that party in the court of appeals; but if the party has already filed an electronic copy of such briefs, then there is no obligation to provide additional copies of those briefs to the clerk of this court; and FRO that the allowance of co Comment: PLA-RES's; 4/20/21 ltr. response from Atty. Masnica
OCCD SC	04-08-2021	Petition for Review Filed By: Nicole Masnica

Submit Date: 4-21-2021

Decision: (D) Deny

Decision Date: 9-17-2021

ORD that the petition for review filed on behalf of defendant-appellant-petitioner, Theophilous Ruffin, is denied;

FRO that the petition for review filed by plaintiff-respondent-petitioner, State of Wisconsin, is granted; that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, within 30 days after the date of this order plaintiff-respondent-petitioner must file a brief in this court; that within 20 days of filing, defendant-appellant, Theophilous Ruffin, must file either a responsive brief or a statement that no brief will be filed; and that if a brief is filed by defendant-appellant, within 10 days of filing plaintiff-respondent-petitioner must file either a reply brief or a statement that no reply brief will be filed; and

FRO that pursuant to Wis. Stat. 809.62(6), the parties may only raise or argue issues set forth in the State's petition for review unless otherwise ordered by the court; and

FRO that the first brief filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; 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 or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and

FRO that, if a party has not previously filed an electronic copy of the briefs filed on behalf of that party in the court of appeals, the party, within 30 days after the date of this order, must provide the clerk of this court with 10 copies of the brief previously filed on behalf of that party in the court of appeals; but if the party has already filed an electronic copy of such briefs, then there is no obligation to provide additional copies of those briefs to the clerk of this court; and

FRO that the allowance of costs

Comment: DEF-APP' 4/21/21 ltr. response received by State

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OCCD CA 03-22-2021 State Public Defender Order Appointing Counsel  
Comment: Received SPD Appointment Order for Atty. Nicole M. Masnica

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OCCD CA 03-09-2021 [Opinion/Decision](#)  
Judge Panel: White, Dugan, Brash  
Opinion: Opinion  
Decision: Affirmed/reversed/remanded Pages: 22  
Written by: Dugan, Timothy G.  
White, Maxine A. Wrote Concur/Dissent Opinion 4 pages.  
Order Text: Order affirmed in part; reversed in part and cause remanded with directions

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OCCD CA 01-22-2021 Notice of Appearance  
Comment: AAG Barber appears for the State

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OCCD CA 06-29-2020 Submitted on Briefs

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OCCD CA 04-23-2020 Briefs Received At State Law Library

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OCCD CA 03-09-2020 Record and Briefs Sent to District 1

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OCCD CA 03-06-2020 Certificate of Filing by Mail  
Comment: BRY (Shipped March 5, 2020)

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OCCD CA 03-06-2020

Reply Brief  
[Reply Brief](#)

Filed By: Christopher Sobic

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OCCD CA 03-03-2020

Motion to Extend Time

Filed By: Christopher Sobic

Submit Date: 3-3-2020

Decision: (G) Grant

Decision Date: 3-5-2020

ORD that the deadline for Ruffin to file his reply brief in this matter is extended to March 13, 2020.

See BRY event due on 3-13-2020

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OCCD CA 02-12-2020

Motion to Extend Time

Filed By: Christopher Sobic

Submit Date: 2-12-2020

Decision: (G) Grant

Decision Date: 2-13-2020

ORD that the deadline for Ruffin to file a reply brief is extended through March 3, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRY event due on 3-3-2020

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OCCD CA 01-13-2020

Motion to Extend Time

Filed By: Christopher Sobic

Submit Date: 1-13-2020

Decision: (G) Grant

Decision Date: 1-15-2020

ORD that the deadline for Ruffin to file a reply brief is extended through February 12, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRY event due on 2-12-2020

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OCCD CA 12-13-2019

Motion to Extend Time

Filed By: Christopher Sobic

Submit Date: 12-13-2019

Decision: (G) Grant

Decision Date: 12-17-2019

ORD that the deadline for Ruffin to file a reply brief is extended through January 13, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRY event due on 1-13-2020

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OCCD CA 11-21-2019

Brief of Respondent(s)

Filed By: Katherine Lloyd

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OCCD CA 11-18-2019

Notice of Appearance

Comment: filed by SPD Christopher D. Sobic

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OCCD CA 10-30-2019

Motion to Extend Time

Filed By: Katherine Lloyd

Submit Date: 10-30-2019

Decision: (G) Grant

Decision Date: 11-1-2019

ORD that the time for the respondent to file a respondent's brief is extended to November 21, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 11-21-2019

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OCCD CA 10-18-2019 Motion to Extend Time

Filed By: Katherine Lloyd

Submit Date: 10-21-2019

Decision: (G) Grant

Decision Date: 10-22-2019

ORD that the time for the respondent to file a respondent's brief is extended to November 4, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 11-4-2019

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OCCD CA 09-18-2019 Motion to Extend Time

Filed By: Katherine Lloyd

Submit Date: 9-18-2019

Decision: (G) Grant

Decision Date: 9-19-2019

ORD that the time for the respondent to file a respondent's brief is extended to October 18, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 10-18-2019

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OCCD CA 08-26-2019 Attorney Change

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

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OCCD CA 08-19-2019 Certificate of Service

Comment: Re: BAP; Rcvd 10 copies of briefs, third party comm. carrier, 08-16-2019.

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OCCD CA 08-19-2019 Brief & Appendix of Appellant(s)

[Brief of Appellant](#)

Filed By: Nicole Masnica

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OCCD CA 08-05-2019 Motion to Extend Time

Filed By: Nicole Masnica

Submit Date: 8-6-2019

Decision: (G) Grant

Decision Date: 8-7-2019

ORD that the time for the appellant to file an appellant's brief is extended until August 16, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BAP event due on 8-16-2019

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OCCD CA 06-26-2019 Non-Electronic Record Item

Comment: #5 DVD #6 DVD-Forensic Interview

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OCCD CA 06-25-2019 Sealed Documents

Comment: #17-20, #24

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OCCD CA	06-25-2019	Record
Comment: 1-2 to 78-1, ELECTRONICALLY FILED		
OCCD CA	06-17-2019	Statement on Transcript
Filed By: Nicole Masnica Status: Prev. Filed		
OCCD CA	06-10-2019	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	06-10-2019	Fee Waived
Comment: SPD		
OCCD CA	06-10-2019	Notice of Appeal & Circuit Court Docket Entries
OCCD CA	06-10-2019	X Transfer
OCCD CA	06-05-2019	Notice of Appeal filed in Circuit Court
OCCD CA	05-01-2019	Mot. Extend Time to file NAP/PCM
Filed By: Nicole Masnica Submit Date: 5-1-2019 Decision: (G) Grant Decision Date: 5-2-2019 IT IS ORDERED that the deadline for Ruffin to file a supplemental postconviction motion or notice of appeal is extended to thirty days after the date on which the supreme court issues a decision in State v. Trammell, appeal No. 2017AP1206-CR.		
OCCD CA	11-21-2018	Mot. Extend Time to file NAP/PCM
Filed By: Nicole Masnica Submit Date: 11-21-2018 Decision: (G) Grant Decision Date: 11-29-2018 ORD that the deadline for Rubbin to file a supplemental postconviction motion or notice of appeal in this matter is extended to May 1, 2019. See Wis. Stat. Rule 809.82(2)(a) (2015-16).		
OCCD CA	11-02-2018	Order of Circuit Court
OCCD CA	09-17-2018	Mot. Extend Time to file NAP/PCM
Filed By: Nicole Masnica Submit Date: 9-17-2018 Decision: (G) Grant Decision Date: 9-19-2018 IT IS ORDERED that the deadline for Ruffin to file a postconviction motion or notice of appeal is extended through October 17, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).		
OCCD CA	07-17-2018	Mot. Extend Time to file NAP/PCM
Filed By: Nicole Masnica		

Submit Date: 7-17-2018

Decision: (G) Grant

Decision Date: 7-19-2018

ORD that the time for filing a notice of appeal or postconviction motion is extended to September 17, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 05-18-2018

Mot. Extend Time to file NAP/PCM

Filed By: Nicole Masnica

Submit Date: 5-18-2018

Decision: (G) Grant

Decision Date: 5-21-2018

ORD that the deadline for Ruffin to file a postconviction motion or a notice of appeal is extended through July 17, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 03-19-2018

Mot. Extend Time to file NAP/PCM

Filed By: Nicole Masnica

Submit Date: 3-19-2018

Decision: (G) Grant

Decision Date: 3-21-2018

IT IS ORDERED that the deadline for Ruffin to file a postconviction motion or a notice of appeal is extended through May 18, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 01-08-2018

Mot. Extend Time to file NAP/PCM

Filed By: Erin Deeley

Submit Date: 1-8-2018

Decision: (G) Grant

Decision Date: 1-10-2018

IT IS ORDERED that the deadline for Ruffin to file a postconviction motion or notice of appeal in this matter is extended to March 9, 2018.

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OCCD CA 08-11-2017

Motion to Extend Time to File Transcript(s)

Filed By: Katherine Nelson

Submit Date: 8-14-2017

Decision: (G) Grant

Decision Date: 8-14-2017

IT IS ORDERED that the deadline for Court Reporter Nelson to file transcripts in this matter is extended through October 16, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 08-10-2017

Motion to Extend Time to File Transcript(s)

Filed By: Leposava Munns

Submit Date: 8-10-2017

Decision: (G) Grant

Decision Date: 8-14-2017

IT IS ORDERED that the deadline for Court Reporter Munns to file transcripts in this matter is extended through October 16, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 07-31-2017

Motion to Extend Time to File Transcript(s)

Filed By: Phyllis Peoples

Submit Date: 7-31-2017



WSCCA Case History

Decision: (G) Grant

Decision Date: 8-1-2017

ORD that the deadline for Peoples to file her transcripts in this matter is extended to October 2, 2017.

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OCCD CA 03-01-2017

Judgment of Circuit Court

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