

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Leopoldo R. Salas Gayton

Appeal Number 2013AP000646 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	03-31-2017		Letter/Correspondence Comment: From U.S. Supreme Court: petition for writ of certiorari denied 3/20/17.
OCCD	SC	11-28-2016		Letter/Correspondence Comment: From U.S. Supreme Court: petition for writ of certiorari filed 11/14/16 docketed 11/23/16 as case no. 16-6926
OCCD	SC	10-24-2016		Letter/Correspondence Comment: From U.S. Supreme Court: extension to file petition for writ of certiorari granted and extended to 11/13/16
OCCD	SC	08-18-2016		Remittitur
OCCD	SC	07-06-2016		Published Opinion Citation 370 Wis. 2d 264
OCCD	SC	07-06-2016		Published Opinion Citation 882 N.W.2d 459
OCCD	SC	07-06-2016		Opinion/Decision Judge Panel: Roggensack, Abrahamson, Bradley, Prosser, Ziegler, Gableman, Bradley Opinion: Opinion Decision: Affirmed Pages: 29 Written by: Prosser, David T. Jr. Abrahamson, Shirley S. Joined Concurring Opinion Bradley, Ann Walsh Wrote Concurring Opinion 18 pages. Roggensack, Patience Drake Took No Part Order Text: The decision of the court of appeals is affirmed.
OCCD	SC	07-01-2016		Public Domain Citation Comment: PDC No: 2016 WI 58

OCCD SC 03-14-2016 Briefs Received At State Law Library

OCCD SC 03-14-2016 Oral Argument

Comment: 2nd case, 9:45 a.m. , SPD Colleen Ball for Def-App-Pet, AAG Christopher Wren for Pla-Res, Atty Matthew Pinix for Def-App-Pet as Amicus party.

OCCD SC 03-10-2016 E-Filing Certification

Comment: Non-Party Amicus Brief of The Irrevocable Trust for the Benefit of Hayden Isabella Lamb in Support of the Respondent

OCCD SC 03-08-2016 Certificate of Filing by Mail

Comment: BOT-Defendant-Appellant-Petitioner Reply Brief to Irrevocable Trust For The Benefit Of Hayden Isabella Lamb In Support Of The Respondent

OCCD SC 03-07-2016 Other Brief

[Other Brief - Petitioner's Reply To Nonparty Brief Filed By - The Irrevocable Trust For The Benefit Of Hayden Isabella Lamb](#)

Filed By: Colleen Ball

Comment: Defendant-Appellant-Petitioner Reply Brief to Irrevocable Trust For The Benefit Of Hayden Isabella Lamb In Support Of The Respondent

OCCD SC 03-07-2016 Brief of Amicus Curiae/Non-Party

[Brief of Amicus Curiae Catholic Charities Legal Services For Immigrants, et al.](#)

Filed By: Matthew Pinix

Comment: Catholic Charities Legal Services For Immigrants, et al.

OCCD SC 03-03-2016 Briefs Received At State Law Library

OCCD SC 03-02-2016 Motion for Miscellaneous Relief

Filed By: Matthew Pinix

Submit Date: 3-2-2016

Decision: (G) Grant

Decision Date: 3-7-2016

ORD that the motion is granted in part. The legal service organization amici shall be permitted to participate in the oral argument using 5 minutes of defendant-appellant-petitioner's allotted 25 minutes for opening argument. The legal service organization amici shall not present oral argument during defendant-appellant-petitioner's 5 minutes for rebuttal.

Roggensack, C.J., did not participate Judgment affirmed.

Comment: Motion for leave to participate in oral argument

OCCD SC 02-26-2016 Brief of Amicus Curiae/Non-Party

[Brief of Amicus Curiae - The Irrevocable Trust For The Benefit Of Hayden Isabella Lamb in Support of the Respondent](#)

Filed By: Gouthami Katta

Comment: Irrevocable Trust For The Benefit Of Hayden Isabella Lamb In Support Of The Respondent

OCCD SC 02-17-2016 Certificate of Filing by Mail

OCCD SC 02-16-2016 Motion to File Amicus/Non-Party Brief

Filed By: Matthew Pinix
Submit Date: 2-17-2016
Decision: (G) Grant
Decision Date: 2-26-2016

ORD that the motion of the legal service organizations is granted. Twenty-two copies of the brief shall be filed on or before March 7, 2016.

FRO that the motion of the Irrevocable Trust for the Benefit of Hayden Isabella Lamb is granted, and the nonparty brief that was submitted along with that motion is accepted for filing.

FRO that, on or before March 7, 2016, the defendant-appellant-petitioner may file a short brief in reply to the brief filed by the Irrevocable Trust for the Benefit of Hayden Isabella Lamb.

Roggensack, C.J., did not participate.

Comment: Catholic Charities Legal Services For Immigrants, et al.

OCCD SC 02-16-2016 Motion to File Amicus/Non-Party Brief

Filed By: Gouthami Katta
Submit Date: 2-17-2016
Decision: (G) Grant
Decision Date: 2-26-2016

ORD that the motion of the legal service organizations is granted. Twenty-two copies of the brief shall be filed on or before March 7, 2016.

FRO that the motion of the Irrevocable Trust for the Benefit of Hayden Isabella Lamb is granted, and the nonparty brief that was submitted along with that motion is accepted for filing.

FRO that, on or before March 7, 2016, the defendant-appellant-petitioner may file a short brief in reply to the brief filed by the Irrevocable Trust for the Benefit of Hayden Isabella Lamb.

Roggensack, C.J., did not participate.

Motion Response

Filed By: Colleen Ball

Submit Date: 2-18-2016

Comment: Irrevocable Trust For The Benefit Of Hayden Isabella Lamb In Support Of The Respondent

OCCD SC 02-16-2016 [Reply Brief-Supreme Court](#)
[Reply Brief-Supreme Court](#)

Filed By: Colleen Ball

OCCD SC 02-12-2016 Briefs Received At State Law Library

OCCD SC 02-02-2016 [Response Brief-Supreme Court](#)
[Response Brief-Supreme Court](#)

Filed By: Christopher Wren

OCCD SC 01-29-2016 Letter/Correspondence

Comment: To counsel from Clerk's Office: oral argument time change from 1:30 p.m. to 9:45 a.m., second case, March 14, 2016. cjp

OCCD SC 01-20-2016 Assigned for Oral Argument

OCCD SC 01-19-2016 Motion to Extend Time

Filed By: Christopher Wren

Submit Date: 1-19-2016

Decision: (G) Grant

Decision Date: 1-19-2016

ORD that the motion is granted. Plaintiff-respondent's response brief shall be served and filed on or before February 2, 2016.

Roggensack, C.J., did not participate.

See BR2 event due on 2-2-2016

OCCD SC 12-28-2015 Certificate of Filing by Mail
Comment: BR1

OCCD SC 12-23-2015 [First Brief-Supreme Court](#)
[First Brief-Supreme Court](#)
Filed By: Colleen Ball
Comment: Appx to First Brief-Supreme Court

OCCD SC 12-16-2015 Supplement to Record
Comment: 47-10 to 56-4

OCCD SC 12-04-2015 Motion to Correct/Supplement Record
Filed By: Colleen Ball
Submit Date: 12-4-2015
Decision: (G) Grant
Decision Date: 12-9-2015
IT IS ORDERED that the motion for an extension of time is granted. Defendant-appellant-petitioner shall file and serve his brief-in-chief on or before December 23, 2015. IT IS FURTHER ORDERED that the motion to supplement the record is granted.
IT IS FURTHER ORDERED that on or before December 16, 2015, the clerk of the circuit court shall transmit by supplemental return the following documents to the clerk of this court:
1. Letter from Attorney James D. Friedman to the Honorable Dennis R. Cimpl, filed July 19, 2011;
2. Letter from Curt Richard Damske to the Honorable Dennis R. Cimpl, filed July 22, 2011;
3. Letter from Peggy Lamb to the Honorable Dennis R. Cimpl, filed July 21, 2011;
4. Email correspondence from Colette Brunki to Ann Weber and the Honorable Dennis R. Cimpl, filed July 21, 2011;
5. Letter from Arlene Carter to the Honorable Dennis R. Cimpl, filed July 21, 2011;
6. Email correspondence from Jennifer Damske to Ann Weber and the Honorable Dennis R. Cimpl, filed July 21, 2011; and
7. Handwritten letter from Tanya LaFrenier to the Honorable Dennis R. Cimpl (filing date unknown, but prior to July 22, 2011 sentencing hearing).
Roggensack, C.J., did not participate.

Comment: & modify the briefing schedule

OCCD SC 11-05-2015 Caption Amended

OCCD SC 11-05-2015 Court Changed to Supreme Court

OCCD SC 04-02-2015 Order
IT IS ORDERED the pla-res, State of WI., is directed to file a formal response to the PRE on or before

04/16/15. Roggensack, J., did not participate.

OCCD SC 12-23-2014 Motion for Miscellaneous Relief

Filed By: Leopoldo Salas Gayton

Submit Date: 12-23-2014

Decision: (O) Other

Decision Date: 12-26-2014

IT IS ORDERED that the motion for waiver of the required number of copies of the statement in support of the petition is granted, and defendant-appellant's original copy of his statement in support of the petition for review is accepted for filing. IT IS FURTHER ORDERED that defendant-appellant's motion for this court to serve copies is denied. Defendant-appellant remains solely responsible for serving a copy of his statement in support of the petition on the Attorney General's office and to his appellate counsel, as the clerk of this court is neither required nor authorized to serve papers on behalf of litigants. The court is returning two copies of defendant-appellant's statement in support to him along with his copy of this order so that he can serve copies on the Attorney General's office and his appellate counsel.

Comment: Motion to accept only 1 copy

OCCD SC 12-11-2014 Attorney Change

Comment: Rec'd substitution of counsel, Added C. D. Ball, ASPD, Counsel for Def-App, withdrew MacArdy and Handelsman

OCCD CA 11-18-2014 Published Opinion Citation
358 Wis. 2d 709

OCCD CA 11-18-2014 Published Opinion Citation
856 N.W.2d 345

OCCD CA 11-18-2014 Opinion Ordered Unpublished

OCCD SC 10-27-2014 Petition for Review

Filed By: Colleen Ball

Submit Date: 12-16-2014

Decision: (G) Grant

Decision Date: 11-5-2015

ORD PRE granted. Briefs/stmts 30/20/10....Roggensack, C. J. did not participate; Bradley, J., did not participate in this order; Abrahamson and Ann W. Bradley wrote concurring concurrences and Abrahamson joined Bradley's concurrence.

Motion Response

Filed By: Colleen Ball

Submit Date: 12-16-2014

Motion Response

Filed By: Christopher Wren

Submit Date: 12-16-2014

Motion Response

Filed By: Leopoldo Salas Gayton

Submit Date: 12-23-2014

Motion Response

Filed By: Christopher Wren

Submit Date: 4-17-2015

Comment: NM PRE-stmt in support filed (non conforming PRE accepted); 12/10/14, Supp PRE filed;

OCCD SC 10-27-2014 Fee Waived
Comment: Filed by SPD

OCCD SC 10-27-2014 Motion for Miscellaneous Relief
Filed By: Amy MacArdy
Submit Date: 10-27-2014
Decision: (G) Grant
Decision Date: 10-28-2014
IT IS ORDERED the motion is granted, and the PRE is accepted for filing as a timely but non conforming PRE. A statement in support of the petition, conforming to the requirements of Wis. Stat. 809.62(2) and (4), must be filed with the clerk of this court by 12/10/14.
Comment: MXT/Stmt in support

OCCD CA 10-07-2014 [Opinion/Decision](#)
Judge Panel: Fine, Brennan, Kessler
Opinion: Opinion
Decision: Affirmed Pages: 12
Written by: Fine, Ralph Adam
Kessler, Joan F. Wrote Concurring Opinion 1 pages.
Order Text: Judgment and order affirmed

OCCD CA 09-02-2014 Submitted on Briefs

OCCD CA 07-09-2014 Briefs Received At State Law Library

OCCD CA 06-25-2014 Record and Briefs Sent to District 1

OCCD CA 06-20-2014 Certificate of Service
Comment: BRY - Cert of Service stating brief was sent via First Class Mail to AG Wren on June 19, 2014

OCCD CA 06-19-2014 Certificate of Filing by Mail
Comment: BRY

OCCD CA 06-19-2014 [Reply Brief](#)
[Reply Brief](#)
Filed By: Amy MacArdy
Comment: received 10 copies of BRY for SC use, PS 11-19-2015

OCCD CA 06-05-2014 Motion to Extend Time
Filed By: Amy MacArdy
Submit Date: 6-6-2014
Decision: (G) Grant
Decision Date: 6-9-2014

IT IS ORDERED that the time for the appellant to file a reply brief is extended until 06/19/14. See Wis. Stat. Rule 809.82(2)(a) (2011-12).
See BRY event due on 6-19-2014

OCCD CA 05-22-2014 Brief of Respondent(s)
[Brief of Respondent\(s\)](#)

Filed By: Christopher Wren

Comment: received 10 copies of BRS for SC use. PS 11-9-2015

OCCD CA 05-15-2014 Motion to Extend Time

Filed By: Christopher Wren

Submit Date: 5-15-2014

Decision: (G) Grant

Decision Date: 5-19-2014

IT IS ORDERED the deadline for the State to file the respondent's brief in this matter extended to 05/27/14.

See BRS event due on 5-27-2014

Comment: 3d

OCCD CA 04-28-2014 Motion to Extend Time

Filed By: Christopher Wren

Submit Date: 4-28-2014

Decision: (G) Grant

Decision Date: 4-29-2014

IT IS ORDERED the deadline for the State to file the respondent's brief in this matter extended to 05/16/14.

See BRS event due on 5-16-2014

Comment: 2nd

OCCD CA 03-27-2014 Motion to Extend Time

Filed By: Christopher Wren

Submit Date: 3-28-2014

Decision: (G) Grant

Decision Date: 3-31-2014

IT IS ORDERED the deadline for the State to file the respondent's brief in this matter extended to 05/01/14.

See BRS event due on 5-1-2014

OCCD CA 02-28-2014 Certificate of Filing by Mail

Comment: BAP

OCCD CA 02-27-2014 Brief & Appendix of Appellant(s)
[Brief of Appellant](#)

Filed By: Alexander Handelsman

Comment: Appx to Brief of Appellant(s): received 10 copies of BAP for SC use, PS 11-19-2015

OCCD CA 01-28-2014 Sua Sponte

Filed By: Unassigned District 1

Submit Date: 1-29-2014

Decision: (O) Other

Decision Date: 1-30-2014

IT IS ORDERED that, no later than 02/28/14, Salas-Gayton shall file an amended brief that complies with this order, and further briefing shall proceed under the rules of appellate procedure.

Comment: Ltr from Atty Handelsman re/w/d part of BAP Not apptd counsel file NOappear.

OCCD CA 01-28-2014 Attorney Change

Comment: Rec'd Notice of appearance, Added A. B. Handelsman, Counsel for Def-App

OCCD CA 01-13-2014 Hold Status

OCCD CA 10-31-2013 Motion to Stay

Filed By: Amy MacArdy

Submit Date: 10-31-2013

Decision: (G) Grant

Decision Date: 11-5-2013

IT IS ORDERED that briefing in this case is stayed pending either the outcome of the supreme court's final decision in Mursal, 12AP2775-CR, or a supreme court order denying the PRE in that case. IT IS FURTHER ORDERED that Salas-Gayton shall notify this court within 15 days after the SC either denies the PRE in Mursal or releases a final decision deciding that case, whichever is applicable. The notification shall include a statement advising the court whether Salas-Gayton intends to file a new brief in the instant matter or rely on the brief previously filed. IT IS FURTHER ORDERED the deadline for the State to file a respondent's brief is 30 days after Salas-Gayton file a new brief in this matter or notifies this court that he intends to rely on the brief previously filed.

Comment: Proceedings

OCCD CA 10-14-2013 Motion for Miscellaneous Relief

Filed By: Amy MacArdy

Submit Date: 10-14-2013

Decision: (G) Grant

Decision Date: 10-15-2013

IT IS ORDERED that the deadline for Salas Gayton to either file an amended brief or notify this court that he will not file an amended brief is extended October 31, 2013.

Comment: Def-App MXT amended brief or notify court he will not file an amended brief

OCCD CA 10-04-2013 Letter/Correspondence

Comment: CC of correspondence from AG Wren to Atty. MacArdy rcv'd

OCCD CA 09-24-2013 Hold Status

OCCD CA 07-31-2013 Motion to Stay

Filed By: Christopher Wren

Submit Date: 7-31-2013

Decision: (G) Grant

Decision Date: 8-2-2013

ORD that briefing in this case is stayed pending this court's decision in State v. Mursal, 2012AP2775-CR

FRO that the State shall notify the appellant that Mursal has been decided within fifteen days of the date it is decided.

FRO that, within fifteen days of the date the appellant is notified that Mursal is decided, the appellant shall either file an amended brief or notify this court that it intends to rely on the brief it has already filed. FOR that the deadline for filing the respondent's brief is thirty days from the date the appellant files an amended brief or notifies this court that it intends to rely on the brief it has already filed.
Comment: Proceedings pending a Decision by this court in another fully briefed Case

OCCD CA 07-18-2013 Attorney Change
Comment: Added C. G. Wren, AAG, Counsel for Pla-Res, withdrew Weber

OCCD CA 07-10-2013 Certificate of Service
Comment: BAP

OCCD CA 07-09-2013 Brief & Appendix of Appellant(s)
Comment: STRICKEN PER 01/30/14 cto

OCCD CA 05-30-2013 Sealed Documents
Comment: PSI #11

OCCD CA 05-30-2013 Record
Comment: 1-8 to 46-3; PSI #11

OCCD CA 04-01-2013 Statement on Transcript
Filed By: Amy MacArdy
Status: Prev. Filed

OCCD CA 03-20-2013 Notif. Sent-Filing of NAP & Ct. Record

OCCD CA 03-20-2013 Fee Waived
Comment: SPD Appointed

OCCD CA 03-20-2013 Notice of Appeal & Circuit Court Docket Entries

OCCD CA 03-20-2013 X Transfer

OCCD CA 03-18-2013 Notice of Appeal filed in Circuit Court

OCCD CA 02-01-2013 State Public Defender Order Appointing Counsel
Comment: for Atty. Amy L. MacArdy

OCCD CA 01-17-2013 Mot. Extend Time to file NAP/PCM
Filed By: Colleen Ball
Submit Date: 1-17-2013
Decision: (G) Grant

Decision Date: 1-18-2013

IT IS ORDERED the deadline for Salas Gayton to file a postconviction motion or a notice of appeal is extended through 03/21/13. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

OCCD CA 12-17-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 12-18-2012

Decision: (G) Grant

Decision Date: 12-19-2012

IT IS ORDERED that the time for filing a notice of appeal is extended to January 18, 2013. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

Comment: 6th

OCCD CA 11-28-2012 Order of Circuit Court

OCCD CA 10-25-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 10-25-2012

Decision: (G) Grant

Decision Date: 10-29-2012

IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to November 23, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

Comment: 5th

OCCD CA 08-27-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 8-28-2012

Decision: (G) Grant

Decision Date: 8-29-2012

IT IS ORDERED that the deadline for Salas Gayton to file a postconviction motion or notice of appeal in this matter is extended to October 26, 2012.

Comment: 4th

OCCD CA 07-12-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 7-13-2012

Decision: (G) Grant

Decision Date: 7-16-2012

IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to August 27, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

Comment: 3d

OCCD CA 05-08-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 5-8-2012

Decision: (G) Grant

Decision Date: 5-9-2012

IT IS ORDERED that the deadline for Salas Gayton to file a postconviction motion or notice of appeal in this matter is extended to July 13, 2012.

Comment: 2d

WSCCA Case History

OCCD CA 03-14-2012

Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 3-14-2012

Decision: (G) Grant

Decision Date: 3-15-2012

IT IS ORDERED that the deadline for Gayton to file a postconviction motion or a notice of appeal is extended through May 14, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

OCCD CA 07-26-2011

Judgment of Circuit Court
