

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Richard H. Harrison, Jr.

Appeal Number 2017AP002440 - CR

[CONSOLIDATED](#) - [List of Consolidated Cases](#)
Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	07-28-2020		Remittitur
OCCD	SC	04-17-2020		Published Opinion Citation
		391 Wis. 2d 161		
OCCD	SC	04-17-2020		Published Opinion Citation
		942 N.W.2d 310		
OCCD	SC	04-17-2020		Opinion/Decision
				Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Kelly, Dallet, Hagedorn Opinion: Opinion Decision: Reversed Pages: 28 Written by: Roggensack, Patience Drake Dallet, Rebecca F. Wrote Concurring Opinion 6 pages. Bradley, Ann Walsh Joined Concurring Opinion Order Text: The decision of the court of appeals is reversed. Comment: Opinion/Decision
OCCD	SC	04-15-2020		Public Domain Citation
				Comment: PDC No: 2020 WI 35
OCCD	SC	01-15-2020		Oral Argument
				Comment: at 9:45 a.m., 2nd case (rescheduled from 1:30 p.m.) Attorney Jennifer R. Remington for PLA-APP-PET, Attorney Jeremy Newman DEF-RES-CRP.
OCCD	SC	01-14-2020		Briefs Received At State Law Library
OCCD	SC	01-09-2020		No Brief to Be Filed
				Comment: No BR3 to be filed per SPD Newman No Supreme Court Reply Brief to Be Filed
OCCD	SC	12-30-2019		Briefs Received At State Law Library

OCCD SC 12-19-2019 [Response Brief-Supreme Court
Combined Response and Reply Brief of the
Plaintiff-Appellant-Petitioner - Supreme Court](#)

Filed By: Jennifer Remington

OCCD SC 12-09-2019 Briefs Received At State Law Library

OCCD SC 12-02-2019 [Response Brief-Supreme Court
Response Brief of Defendant-Respondent-Cross-Petitioner -
Supreme Court](#)

Filed By: Jeremy Newman

Comment: Defendant-Respondent-Cross Petitioner combined response/opening brief

OCCD SC 11-18-2019 Briefs Received At State Law Library

OCCD SC 11-14-2019 Assigned for Oral Argument

OCCD SC 11-08-2019 [First Brief-Supreme Court
First Brief-Supreme Court](#)

Filed By: Jennifer Remington

OCCD SC 10-25-2019 Letter/Correspondence

Comment: From Jennifer Remington for the State; Regarding submission of certified copies of the documents the State sought to have supplemented in the record to the Clark County Circuit Court Clerk.

OCCD SC 10-25-2019 Supplement to Record

Comment: 97-3 to 104-2 ELECTRONICALLY FILED

OCCD SC 10-02-2019 Order

ORD that as soon as practicable, and no later than October 8, 2019, the plaintiff-appellant-petitioner, State of Wisconsin, shall file a formal response to the defendant-respondent's motion for summary reversal.

See MCR event filed on 9-10-2019

OCCD SC 09-27-2019 Letter/Correspondence

Comment: From AAG Remington; State opposes motion for summary reversal, will not file a formal response unless ordered by the Court

OCCD SC 09-11-2019 Order

ORD that the defendant-respondent, Richard H. Harrison, Jr., shall file a response to the motion to supplement on or before September 17, 2019; and

ORD that the briefing schedule in this matter is tolled while the motion to supplement is pending pursuant to Wis. Stat. (Rule) 809.14(3)(b).

OCCD SC 09-10-2019 Motion to Correct/Supplement Record

Filed By: Jennifer Remington

Submit Date: 9-10-2019

Decision: (O) Other

Decision Date: 10-15-2019

IT IS ORDERED that the motion to supplement the record is granted, and the record shall be supplemented as follows. On or before October 25, 2019, the plaintiff-appellant-petitioner shall obtain two sets of certified copies of the documents that it seeks to add to the record in these consolidated appeals and shall file one set of certified copies in Clark County Case No. 2007CF115 and the other set of certified copies in Clark County Case No. 2008CF129. On or before November 1, 2019, the clerk of the Clark County circuit court shall file supplemental returns in Appeal No. 2017AP2440-CR and Appeal No. 2017AP2441-CR, each of which shall contain the certified copies of the documents filed by the plaintiff-appellant-petitioner in the underlying circuit court case; and

FRO that the motion to summarily reverse the court of appeals' decision and to remand the cases to the circuit court with directions is denied; and

FRO that, in addition to the issues set forth in the petition for review and the cross petition for review, the parties shall also address the following issues in their briefs: 1. Whether this court may or should summarily reverse or vacate a court of appeals' decision due to a change in position by one party or due to the fact that both parties now appear to have a similar position as to a legal issue addressed in the court of appeals' decision; and 2. Whether the defendant-respondent is judicially estopped from now taking the position that the court of appeals' decision should be reversed and the cases should be remanded to the circuit court with directions to deny his motion for sentence credit, including whether the fact of the intervening sentencing in Ashland County Case No. 2011CF82 renders the doctrine of judicial estoppel inapplicable; and

FRO that the plaintiff-respondent-petitioner's first brief shall be served and filed on or b

Comment: And Motion to Stay; State's response per 10/2/19 CTO due 10/8/19

OCCD SC 08-14-2019 Court Changed to Supreme Court

OCCD SC 05-23-2019 Fee Waived
Comment: SPD

OCCD SC 05-22-2019 Petition for Cross Review

Filed By: Jeremy Newman

Submit Date: 5-23-2019

Decision: (G) Grant

Decision Date: 8-14-2019

IT IS ORDERED that the following briefing schedule will be followed: 1. Plaintiff-appellant-petitioner, State of Wisconsin, shall serve and file its opening brief in this court within 30 days of the date of this order; 2. Defendant-respondent-cross petitioner, Richard H. Harrison, Jr., shall, within 20 days of that filing, serve and file his combined opening brief and response to the State's brief; 3. The State of Wisconsin shall then, within 20 days of that filing, serve and file its combined response and reply brief; and 4. Defendant-respondent-cross petitioner, Richard H. Harrison, Jr., shall, within 10 days of the filing of the State's combined response and reply brief, serve and file his reply brief regarding his cross petition for review.

IT IS FURTHER ORDERED that in any brief filed in this court 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

IT IS FURTHER ORDERED that the first briefs 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

IT IS FURTHER ORDERED 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

IT IS FURTHER ORDERED that the allowance of costs, if any, in connection with the granting of the petitions will abide the decision of this c

OCCD CA 04-24-2019 Published Opinion Citation
927 N.W.2d 923

OCCD CA 04-24-2019 Published Opinion Citation
386 Wis. 2d 629

OCCD CA 04-24-2019 Opinion Ordered Unpublished

OCCD CA 04-22-2019 Fee Waived
Comment: State

OCCD SC 04-22-2019 Petition for Review

Filed By: Jennifer Remington
Submit Date: 5-14-2019
Decision: (G) Grant
Decision Date: 8-14-2019

IT IS ORDERED that the following briefing schedule will be followed: 1. Plaintiff-appellant-petitioner, State of Wisconsin, shall serve and file its opening brief in this court within 30 days of the date of this order; 2. Defendant-respondent-cross petitioner, Richard H. Harrison, Jr., shall, within 20 days of that filing, serve and file his combined opening brief and response to the State's brief; 3. The State of Wisconsin shall then, within 20 days of that filing, serve and file its combined response and reply brief; and 4. Defendant-respondent-cross petitioner, Richard H. Harrison, Jr., shall, within 10 days of the filing of the State's combined response and reply brief, serve and file his reply brief regarding his cross petition for review.

IT IS FURTHER ORDERED that in any brief filed in this court 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 IT IS FURTHER ORDERED that the first briefs 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 IT IS FURTHER ORDERED 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 IT IS FURTHER ORDERED that the allowance of costs, if any, in connection with the granting of the petitions will abide the decision of t

OCCD CA 03-22-2019 Attorney Change
Comment: SPD Jeremy Newman for respondent per Notice of Entry of Appearance

OCCD CA 03-22-2019 Attorney Change
Comment: SPD Jeremy Newman for respondent per Notice of Entry of Appearance

OCCD CA 03-21-2019 [Opinion/Decision](#)
Judge Panel: Blanchard, Sherman, Kloppenburg
Opinion: Opinion

Decision: Reversed and remanded Pages: 13
Written by: Sherman, Gary E.
Order Text: Order reversed and cause remanded with directions.

OCCD CA 11-14-2018 Attorney Change
Comment: SPD Kathilynne A. Grotelueschen for respondent per Notice of Entry of Appearance

OCCD CA 06-08-2018 Submitted on Briefs

OCCD CA 05-14-2018 Briefs Received At State Law Library

OCCD CA 05-09-2018 Record and Briefs Sent to District 4

OCCD CA 05-08-2018 Reply Brief
[Reply Brief](#)

Filed By: Jennifer Remington

OCCD CA 04-25-2018 Motion to Extend Time

Filed By: Jennifer Remington

Submit Date: 4-26-2018

Decision: (G) Grant

Decision Date: 4-27-2018

ORD that the time for the State to file the reply brief is extended to 5/8/18.

See BRY event due on 5-8-2018

OCCD CA 04-09-2018 Brief of Respondent(s)
[Brief of Respondent](#)

Filed By: Jeremy Newman

Comment: Appx to Brief of Respondent(s)

OCCD CA 03-26-2018 Consolidated Case

Comment: [2017AP002440, 2017AP002441]

OCCD CA 03-21-2018 Sua Sponte

Filed By: Unassigned District 4

Submit Date: 3-21-2018

Decision: (O) Other

Decision Date: 3-26-2018

ORD that, on the court's own motion, these appeals are consolidated for briefing and disposition.

Comment: [2017AP002440, 2017AP002441] consolidate appeals? accept consolidated brief?

OCCD CA 03-13-2018 Brief & Appendix of Appellant(s)
[Brief of Appellant](#)

Filed By: Jennifer Remington

OCCD CA 03-06-2018 Motion to Extend Time

Filed By: Jennifer McNamee
Submit Date: 3-6-2018
Decision: (G) Grant
Decision Date: 3-6-2018
ORD motion granted, time extended to March 14, 2018.
See BAP event due on 3-14-2018

OCCD CA	01-26-2018	Record
Comment: 1-1 to 96-7 (ELECTRONICALLY FILED)		

OCCD CA	01-11-2018	Notice of Reporter RE: Filing of Transcript(s)
Court Reporter Name: (Zamow, Denise)		

OCCD CA	01-09-2018	Transcript filed in Circuit Court
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OCCD CA	01-04-2018	Delinquent
Comment: New due date of connected CRS: 1-11-2018		

OCCD CA	12-21-2017	State Public Defender Order Appointing Counsel
Comment: Attorney Jeremy Newman		

OCCD CA	12-21-2017	Statement on Transcript
Filed By: Katherine Lloyd		
Status: Ordered		
Comment: uncertified SRT received 12/19/17; advised counsel the SRT is not accepted as filed		

OCCD CA	12-19-2017	Attorney Change
Comment: AAG Jennifer R. McNamee for State per letter notice of appearance		

OCCD CA	12-15-2017	Notif. Sent-Filing of NAP & Ct. Record
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OCCD CA	12-15-2017	Fee Waived
Comment: State		

OCCD CA	12-15-2017	Notice of Appeal & Circuit Court Docket Entries
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OCCD CA	12-07-2017	Notice of Appeal filed in Circuit Court
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OCCD CA	11-03-2017	Order of Circuit Court
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