

# Wisconsin Supreme Court and Court of Appeals Case Access

## State v. Robert Daris Spencer

### Appeal Number 2018AP000942 - CR

Supreme Court

#### CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-18-2022		Remittitur
OCCD	SC	07-06-2022		Published Opinion Citation
		403 Wis. 2d 86		
OCCD	SC	07-06-2022		Published Opinion Citation
		976 N.W.2d 383		
OCCD	SC	07-06-2022		<a href="#">Opinion/Decision</a>
		Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky Opinion: Opinion Decision: Affirmed in part, reversed In part Pages: 37 Written by: Bradley, Rebecca Grassl Bradley, Ann Walsh Wrote Dissenting Opinion 14 pages. Dallet, Rebecca F. Joined Dissenting Opinion Karofsky, Jill Joined Dissenting Opinion Dallet, Rebecca F. Wrote Dissenting Opinion 6 pages. Karofsky, Jill Joined Dissenting Opinion Order Text: The decision of the court of appeals is affirmed in part and reversed in part. Comment: Opinion/Decision - Supreme Court		
OCCD	SC	07-01-2022		Public Domain Citation
		Comment: PDC No: 2022 WI 56		
OCCD	SC	03-02-2022		Oral Argument
		Comment: at 9:45, first case (in the Capitol Hearing Room). John J. Grau for Defendant-Appellant-Petitioner. Kara Lynn Janson for Plaintiff-Respondent-Cross-Petitioner.		
OCCD	SC	01-27-2022		Briefs Received At State Law Library
OCCD	SC	01-20-2022		Assigned for Oral Argument
OCCD	SC	11-01-2021		Reply Brief-Supreme Court

Filed By: Kara Janson  
Comment: State of WI

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OCCD SC 11-01-2021 Reply Brief-Supreme Court  
[BR3 - Reply Brief DEF-APP-PET \(Spencer\)](#)  
Filed By: John Grau  
Comment: Spencer

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OCCD SC 10-19-2021 Certificate of Filing by Mail  
Comment: State of WI - BR2

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OCCD SC 10-19-2021 Letter/Correspondence  
Comment: Cover letter- State of WI filing BR2 10/21/21 SC Order

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OCCD SC 10-19-2021 Response Brief-Supreme Court  
[BR2 - Response Brief - State of WI](#)  
Filed By: Kara Janson  
Comment: State of WI

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OCCD SC 10-18-2021 Motion to Extend Time  
Filed By: Kara Janson  
Submit Date: 10-19-2021  
Decision: (G) Grant  
Decision Date: 10-21-2021  
IT IS ORDERED that the motion is granted. The plaintiff-respondent-cross-petitioner, the State of Wisconsin shall serve and file its reply brief on or before November 1, 2021.  
See BR2 event filed on 10-19-2021

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OCCD SC 10-04-2021 Response Brief-Supreme Court  
Filed By: John Grau  
Comment: Spencer. Please note that the e-file certification pursuant to Rule 809.19(12)(f) has been added to this brief. Please include this certification in all briefs.

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OCCD SC 10-01-2021 Certificate of Filing by Mail  
Comment: State's Motion to ext time

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OCCD SC 10-01-2021 Letter/Correspondence  
Comment: Cover letter - State's motion to extend time

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OCCD SC 10-01-2021 Motion to Extend Time  
Filed By: Kara Janson  
Submit Date: 10-4-2021  
Decision: (G) Grant  
Decision Date: 10-5-2021

IT IS ORDERED that the motion is granted. Plaintiff-respondent-cross-petitioner's response brief shall be filed on or before October 19, 2021.  
See BR2 event due on 10-19-2021

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OCCD SC 09-13-2021 Certificate of Filing by Mail  
Comment: State filing BR1

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OCCD SC 09-13-2021 Letter/Correspondence  
Comment: Cover letter State filing BR1

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OCCD SC 09-13-2021 First Brief-Supreme Court  
[BR1 - First Brief of Pla-Res-Cross-Pet \(State of WI\)](#)  
Filed By: Kara Janson  
Comment: State of WI

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OCCD SC 09-10-2021 First Brief-Supreme Court  
[BR1 - First Brief of Def-App-Pet \(Spencer\)](#)  
Filed By: John Grau  
Comment: Spencer

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OCCD SC 08-13-2021 Caption Amended  
Comment: Appendix - BR1- Def-App-Pet (Spencer)

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OCCD SC 08-13-2021 Court Changed to Supreme Court  
Comment: 8/13/21 SC Order

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OCCD SC 05-27-2021 Letter/Correspondence  
Comment: Cover letter filing response to Petition for Cross Review

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OCCD SC 05-14-2021 Letter/Correspondence  
Comment: Cover letter filing Response/Petition for Cross Review

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OCCD SC 05-14-2021 Certificate of Filing by Mail  
Comment: Response/Petition for Cross Review (5/14/21)

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OCCD SC 05-14-2021 Petition for Cross Review  
[Response to Cross-Petition](#)  
[Combined Response and Petition for Cross-Review](#)

Filed By: Kara Janson  
Submit Date: 5-17-2021  
Decision: (G) Grant  
Decision Date: 8-13-2021  
ORD that the petition and cross petition are granted and that pursuant to Wis. Stat. (Rule) 809.62(6), the parties may not raise or argue issues not set forth in the petition for review or the cross petition for review unless ordered by the court; and  
FRO that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, that the briefs of both

defendant-appellant-petitioner and plaintiff-respondent-cross-petitioner are due within 30 days following the date of this order; briefs of each party responding to the brief of the other party are due within 20 days following service of the initial brief on the party responding; and reply briefs or statements that no reply brief will be filed are due within 10 days following service of the responding brief on the party replying; 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 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

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, if any, in connection with the granting of the petitions will abide the decision of this court on review.

Motion Response

Filed By:

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OCCD CA 04-28-2021  
397 Wis. 2d 241

Published Opinion Citation

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OCCD CA 04-28-2021  
959 N.W.2d 74

Published Opinion Citation

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OCCD CA 04-28-2021

Opinion Ordered Unpublished

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OCCD SC 04-14-2021  
Comment: SPD Appointed

Fee Waived

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OCCD SC 04-14-2021

Petition for Review

Filed By: John Grau

Submit Date: 5-11-2021

Decision: (G) Grant

Decision Date: 8-13-2021

ORD that the petition and cross petition are granted and that pursuant to Wis. Stat. (Rule) 809.62(6), the parties may not raise or argue issues not set forth in the petition for review or the cross petition for review unless ordered by the court; and

FRO that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, that the briefs of both defendant-appellant-petitioner and plaintiff-respondent-cross-petitioner are due within 30 days following the date of this order; briefs of each party responding to the brief of the other party are due within 20 days following service of the initial brief on the party responding; and reply briefs or statements that no reply brief will be filed are due within 10 days following service of the responding brief on the party replying; 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 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

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, if any, in connection with the granting of the petitions will abide the decision of this court on review.

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OCCD CA 03-24-2021 Motion for Reconsideration

Filed By: Kara Janson  
Submit Date: 3-24-2021  
Decision: (D) Deny  
Decision Date: 3-25-2021  
IT IS ORDERED that the motion for reconsideration is denied.

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OCCD CA 03-09-2021 [Opinion/Decision](#)

Judge Panel: White, Dugan, Brash  
Opinion: Opinion  
Decision: Affirmed/reversed/remanded Pages: 15  
Written by: Dugan, Timothy G.  
White, Maxine A. Wrote Concur/Dissent Opinion 18 pages.  
Order Text: Order affirmed in part; reversed in part and cause remanded with directions

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OCCD CA 06-09-2020 Submitted on Briefs

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OCCD CA 02-26-2020 Briefs Received At State Law Library

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OCCD CA 02-04-2020 Record and Briefs Sent to District 1

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OCCD CA 02-03-2020 Certificate of Filing by Mail

Comment: RE: Reply Brief; recieved 10 copies mailed, 01/31/2020.

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OCCD CA 02-03-2020 [Reply Brief](#)  
[Reply Brief](#)

Filed By: John Grau

Comment: 09-10-2021: Received 10 copies of CA briefs for SC use.

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OCCD CA 01-03-2020 Motion to Extend Time

Filed By: John Grau  
Submit Date: 1-6-2020  
Decision: (G) Grant  
Decision Date: 1-8-2020  
ORD that the deadline for Spencer to file a reply brief is extended through January 31, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).  
See BRY event due on 1-31-2020

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OCCD CA 12-06-2019 Motion to Extend Time

Filed By: John Grau  
Submit Date: 12-6-2019  
Decision: (G) Grant

Decision Date: 12-9-2019

IT IS ORDERED that the deadline for Spencer to file a reply brief is extended through January 3, 2020.

See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRY event due on 1-3-2020

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OCCD CA 11-22-2019 Brief of Respondent(s)  
[Brief of Respondent](#)

Filed By: Kara Mele

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OCCD CA 11-15-2019 Motion to Extend Time

Filed By: Kara Mele

Submit Date: 11-18-2019

Decision: (G) Grant

Decision Date: 11-19-2019

ORD that the time for the respondent to file a respondent's brief is extended to November 22, 2019. See

Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 11-22-2019

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OCCD CA 11-01-2019 Motion to Extend Time

Filed By: Kara Mele

Submit Date: 11-1-2019

Decision: (G) Grant

Decision Date: 11-4-2019

ORD that the time for the respondent to file a respondent's brief is extended to November 15, 2019. See

Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 11-15-2019

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OCCD CA 10-16-2019 Motion to Extend Time

Filed By: Kara Mele

Submit Date: 10-17-2019

Decision: (G) Grant

Decision Date: 10-18-2019

ORD that the time for the respondent to file a respondent's brief is extended to October 31, 2019. See

Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 10-31-2019

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OCCD CA 09-16-2019 Motion to Extend Time

Filed By: Kara Mele

Submit Date: 9-17-2019

Decision: (G) Grant

Decision Date: 9-18-2019

ORD that the time for the respondent to file a respondent's brief is extended to October 16, 2019. See

Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 10-16-2019

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OCCD CA 09-04-2019 Attorney Change

Comment: per notice of appearance added AAG Kara L. Mele as counsel for the State

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OCCD CA 08-13-2019 Certificate of Filing by Mail

Comment: RE: Appellant's Brief, Mailed 8-12-19

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OCCD CA 08-13-2019 Brief & Appendix of Appellant(s)  
[Brief of Appellant](#)

Filed By: John Grau

Comment: 09-10-2021: Received 10 copies of CA briefs for SC use.

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OCCD CA 08-09-2019 Motion to Extend Time

Filed By: John Grau

Submit Date: 8-12-2019

Decision: (G) Grant

Decision Date: 8-13-2019

ORD that the deadline for Spencer to file the appellant's brief and appendix is extended to August 13, 2019.

See BAP event due on 8-13-2019

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OCCD CA 07-09-2019 Motion to Extend Time

Filed By: John Grau

Submit Date: 7-9-2019

Decision: (G) Grant

Decision Date: 7-12-2019

ORD that the deadline for Spencer to file a brief-in-chief and appendix is extended through August 9, 2019. Wis. Stat. Rule 809.82(2)(a) (2017-18)

See BAP event due on 8-9-2019

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OCCD CA 06-04-2019 Motion to Extend Time

Filed By: John Grau

Submit Date: 6-5-2019

Decision: (G) Grant

Decision Date: 6-6-2019

ORD that Spencer shall file his appellant's brief and appendix in this matter by July 10, 2019.

See BAP event due on 7-10-2019

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OCCD CA 06-04-2019 Response

Comment: Appellant's response to 2/27/19 CTO

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OCCD CA 06-03-2019 Letter/Correspondence

Comment: to appellant; advising Trammell released; appellant shall advise how appeal should proceed within 10 days of decision Letter from Clerk to Atty Grau

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OCCD CA 05-31-2019 Hold Status

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OCCD CA 02-26-2019 Motion to Stay

Filed By: John Grau

Submit Date: 2-26-2019

Decision: (G) Grant

Decision Date: 2-27-2019

ORD that this matter is held in abeyance pending a decision in State v. Trammell, No. 2017AP1206-CR.

FRO that, within 10 days of a decision in Trammell, Spence shall advise the court whether, in his view,

briefing should resume or whether he seeks some other relief.  
Comment: Briefing pending SC decision in State v. Trammel

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OCCD CA 01-24-2019 Motion to Extend Time  
Filed By: John Grau  
Submit Date: 1-25-2019  
Decision: (G) Grant  
Decision Date: 1-28-2019  
IT IS ORDERED that the time for the appellant to file an appellant's brief is extended until February 28, 2019. See Wis. Stat. Rule 809.82(2)(a) (2015-16).  
See BAP event due on 2-28-2019

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OCCD CA 12-14-2018 Motion to Extend Time  
Filed By: John Grau  
Submit Date: 12-14-2018  
Decision: (G) Grant  
Decision Date: 12-17-2018  
ORD that the time for the appellant to file an appellant's brief is extended until January 25, 2019. See Wis. Stat. Rule 809.82(2)(a) (2015-16).  
See BAP event due on 1-25-2019

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OCCD CA 10-30-2018 Motion to Extend Time  
Filed By: John Grau  
Submit Date: 10-30-2018  
Decision: (G) Grant  
Decision Date: 11-1-2018  
ORD that the time for the appellant to file an appellant's brief is extended until December 14, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).  
See BAP event due on 12-14-2018

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OCCD CA 08-30-2018 Motion to Extend Time  
Filed By: John Grau  
Submit Date: 8-30-2018  
Decision: (G) Grant  
Decision Date: 9-4-2018  
ORD that the deadline for Spencer to file the appellant's brief and appendix is extended to October 31, 2018.  
See BAP event due on 10-31-2018

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OCCD CA 07-19-2018 Motion to Extend Time  
Filed By: John Grau  
Submit Date: 7-20-2018  
Decision: (G) Grant  
Decision Date: 7-23-2018  
ORD that the time for the appellant to file an appellant's brief is extended until August 31, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).  
See BAP event due on 8-31-2018

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OCCD CA 06-13-2018 Non-Electronic Record Item  
Comment: Motion Hearing 5/29/2015 Ex. #1 DVD Ex. #2 DVD Jury Trial Ex. #122 Heiser Ford receipt Ex. #123 DOT Envelope #Ex. #124 Wisconsin traffic citation Ex. #130 Shotspotter DVD Ex. #131



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OCCD CA	06-12-2018	Sealed Documents
Comment: #35-127		

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OCCD CA	06-12-2018	Record
Comment: 1-4 to 186-42, ELECTRONICALLY FILED		

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OCCD CA	06-04-2018	Statement on Transcript
Filed By: John Grau		
Status: Prev. Filed		

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OCCD CA	05-22-2018	Notif. Sent-Filing of NAP & Ct. Record
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OCCD CA	05-22-2018	Fee Waived
Comment: SPD		

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OCCD CA	05-22-2018	Notice of Appeal & Circuit Court Docket Entries
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OCCD CA	05-22-2018	X Transfer
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OCCD CA	05-21-2018	State Public Defender Order Appointing Counsel
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OCCD CA	05-17-2018	Notice of Appeal filed in Circuit Court
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OCCD CA	05-04-2018	Order of Circuit Court
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OCCD CA	03-22-2018	Mot. Extend Time to Decide Postconviction Motion
Filed By: John Grau		
Submit Date: 3-22-2018		
Decision: (G) Grant		
Decision Date: 3-26-2018		
ORD that the deadline for the circuit court to decide Spencer's postconviction motion is extended through May 16, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).		

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OCCD CA	12-15-2017	Mot. Extend Time to file NAP/PCM
Filed By: John Grau		
Submit Date: 12-15-2017		
Decision: (G) Grant		
Decision Date: 12-18-2017		
IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to January 26, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).		

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OCCD CA	11-03-2017	Mot. Extend Time to file NAP/PCM
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Filed By: John Grau  
Submit Date: 11-3-2017  
Decision: (G) Grant  
Decision Date: 11-6-2017  
IT IS ORDERED that the deadline for Spencer to file a postconviction motion or notice of appeal in this matter is extended to December 20, 2017.

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OCCD CA 09-13-2017 Mot. Extend Time to file NAP/PCM  
Filed By: John Grau  
Submit Date: 9-13-2017  
Decision: (G) Grant  
Decision Date: 9-15-2017  
ORD that the deadline for Spencer to file a postconviction motion or notice of appeal in this matter is extended to November 3, 2017.

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OCCD CA 07-31-2017 Mot. Extend Time to file NAP/PCM  
Filed By: John Grau  
Submit Date: 8-1-2017  
Decision: (G) Grant  
Decision Date: 8-2-2017  
IT IS ORDERED that the deadline for Spencer to file a postconviction motion or a notice of appeal is extended through September 15, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 06-15-2017 Mot. Extend Time to file NAP/PCM  
Filed By: John Grau  
Submit Date: 6-15-2017  
Decision: (G) Grant  
Decision Date: 6-19-2017  
IT IS ORDERED that the deadline for Spencer to file a postconviction motion or a notice of appeal is extended through August 1, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 04-10-2017 Mot. Extend Time to file NAP/PCM  
Filed By: John Grau  
Submit Date: 4-10-2017  
Decision: (G) Grant  
Decision Date: 4-12-2017  
IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to June 16, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 02-10-2017 Mot. Extend Time to file NAP/PCM  
Filed By: John Grau  
Submit Date: 2-10-2017  
Decision: (G) Grant  
Decision Date: 2-14-2017  
IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to April 10, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

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OCCD CA 12-02-2016 Mot. Extend Time to file NAP/PCM  
Filed By: John Grau  
Submit Date: 12-2-2016  
Decision: (G) Grant

WSCCA Case History

Decision Date: 12-5-2016

ORD that the deadline for Spencer to file a postconviction motion or notice of appeal in this matter is extended to February 10, 2017.

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OCCD CA 09-16-2015

Judgment of Circuit Court

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