

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. Jessica M. Weissinger**

**Appeal Number 2013AP000218 - CR**

**Supreme Court**

## CASE HISTORY

| Status | Court | Filing Date                                                                                                                                                                                                                                                                                                                    | Anticipated Due Date | Activity                                                               |
|--------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------|
| OCCD   | SC    | 06-03-2015                                                                                                                                                                                                                                                                                                                     |                      | Remittitur                                                             |
| OCCD   | SC    | 04-24-2015                                                                                                                                                                                                                                                                                                                     |                      | Published Opinion Citation                                             |
|        |       | 362 Wis. 2d 1                                                                                                                                                                                                                                                                                                                  |                      |                                                                        |
| OCCD   | SC    | 04-24-2015                                                                                                                                                                                                                                                                                                                     |                      | Published Opinion Citation                                             |
|        |       | 863 N.W.2d 592                                                                                                                                                                                                                                                                                                                 |                      |                                                                        |
| OCCD   | SC    | 04-24-2015                                                                                                                                                                                                                                                                                                                     |                      | <a href="#">Opinion/Decision</a>                                       |
|        |       | Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman<br>Opinion: Opinion<br>Decision: Affirmed Pages: 42<br>Written by: Gableman, Michael J.<br>Abrahamson, Shirley S. Wrote Concurring Opinion 9 pages.<br>Order Text: The decision of the court of appeals in each of the two cases is affirmed. |                      |                                                                        |
| OCCD   | SC    | 04-23-2015                                                                                                                                                                                                                                                                                                                     |                      | Public Domain Citation                                                 |
|        |       | Comment: PDC No.: 2015 WI 42                                                                                                                                                                                                                                                                                                   |                      |                                                                        |
| OCCD   | SC    | 02-03-2015                                                                                                                                                                                                                                                                                                                     |                      | Oral Argument                                                          |
|        |       | Comment: at 1:30 p.m. (consolidated with State v. Luedtke, 13AP1737-CR) Atty Gerald Boyle for Def-App-Pet: AAG Winn Collins for Pla-Res                                                                                                                                                                                        |                      |                                                                        |
| OCCD   | SC    | 12-30-2014                                                                                                                                                                                                                                                                                                                     |                      | Briefs Received At State Law Library                                   |
| OCCD   | SC    | 12-22-2014                                                                                                                                                                                                                                                                                                                     |                      | Reply Brief-Supreme Court<br><a href="#">Reply Brief-Supreme Court</a> |
|        |       | Filed By: Gerald Boyle                                                                                                                                                                                                                                                                                                         |                      |                                                                        |
| OCCD   | SC    | 12-11-2014                                                                                                                                                                                                                                                                                                                     |                      | Briefs Received At State Law Library                                   |
| OCCD   | SC    | 12-04-2014                                                                                                                                                                                                                                                                                                                     |                      | Response Brief-Supreme Court                                           |

[Response Brief-Supreme Court](#)

Filed By: Winn Collins

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| OCCD SC | 11-18-2014 | Assigned for Oral Argument |
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| OCCD SC | 11-14-2014 | Response |
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Comment: CA briefs for SC use received

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| OCCD SC | 11-14-2014 | First Brief-Supreme Court<br><a href="#">First Brief-Supreme Court</a> |
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Filed By: Gerald Boyle  
Comment: Appx to First Brief-Supreme Court

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| OCCD SC | 10-31-2014 | Attorney Change |
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Comment: AG Collins appears for State per ltr. of representation

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| OCCD SC | 10-15-2014 | Court Changed to Supreme Court |
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| OCCD CA | 08-11-2014 | Final Publication |
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| OCCD SC | 08-08-2014 | Letter/Correspondence |
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Comment: from AAG Michael Sanders advising State will not file formal response opposing PRE unless ordered by the court

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| OCCD CA | 07-30-2014 | Published Opinion Citation |
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355 Wis. 2d 546

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| OCCD CA | 07-30-2014 | Published Opinion Citation |
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851 N.W.2d 780

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| OCCD CA | 07-30-2014 | Opinion Ordered Published |
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| OCCD CA | 07-30-2014 | Public Domain Citation |
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Comment: PDC No: 2014 WI App 73

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| OCCD SC | 07-24-2014 | Fee Paid |
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Comment: Receipt No: 14R 002000

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| OCCD SC | 07-24-2014 | Petition for Review |
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Filed By: Gerald Boyle  
Submit Date: 8-8-2014  
Decision: (G) Grant  
Decision Date: 10-15-2014  
ORD that the petition for review is granted as to the following issue:

In light of State v. Dubose, 2005 WI 126, 285 Wis. 2d 143, 699 N.W.2d 582, should this court interpret the Wisconsin Constitution to provide greater due process protection than the federal constitution, such that Weissinger was denied due process under the Wisconsin Constitution when her blood sample was destroyed before she was charged with offenses based on a detectable amount of a controlled substance in her blood?; and

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

IT IS FURTHER ORDERED that oral argument in this case shall be consolidated with oral argument in Case No. 2013AP1737-CR, State v. Luedtke. A total of 75 minutes shall be allotted for oral argument in both cases and the sequence of arguments in these matters shall be as follows: (1) 20 minutes for opening argument by Luedtke's counsel; (2) 15 minutes for opening argument by Weissinger's counsel; (3) 15 minutes for State's counsel in Luedtke; (4) 15 minutes for State's counsel in Weissinger; (5) 5 minutes for rebuttal by Luedtke's counsel; and (6) 5 minutes for rebuttal by Weissinger's counsel; and 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.

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OCCD CA 06-25-2014

[Opinion/Decision](#)

Judge Panel: Brown, Neubauer, Reilly

Opinion: Opinion

Decision: Affirmed Pages: 12

Written by: Neubauer, Lisa S.

Brown, Richard S. Wrote Concurring Opinion 5 pages.

Reilly, Paul F. Wrote Dissenting Opinion 10 pages.

Order Text: Judgment affirmed

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OCCD CA 01-16-2014

Submitted on Briefs

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OCCD CA 10-16-2013

Briefs Received At State Law Library

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OCCD CA 09-30-2013

Record and Briefs Sent to District 2

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OCCD CA 09-27-2013

No Brief to Be Filed

Comment: No reply brief to be filed per Attorney Gerald P. Boyle counsel for Defendant-Appellant. No Brief to Be Filed

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OCCD CA 09-12-2013

Motion to Extend Time

Filed By: Bridget Boyle

Submit Date: 9-12-2013

Decision: (G) Grant

Decision Date: 9-16-2013

ORD that the time for the appellant to file a reply brief is extended to 9/26/13. See Wis. Stat. Rule

809.82(2)(a).  
See BRY event due on 9-26-2013

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OCCD CA 08-28-2013 Brief of Respondent(s)  
[Brief of Respondent](#)

Filed By: Michael Sanders

Comment: Rcd 10 adtl copies of CA brief for SC

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OCCD CA 08-19-2013 Motion to Extend Time

Filed By: Michael Sanders

Submit Date: 8-20-2013

Decision: (G) Grant

Decision Date: 8-21-2013

ORD that the time for the respondent to file its brief is extended to August 28, 2013. See Wis. Stat. Rule 809.82(2)(a).

See BRS event due on 8-28-2013

Comment: 4th

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OCCD CA 08-02-2013 Motion to Extend Time

Filed By: Michael Sanders

Submit Date: 8-5-2013

Decision: (G) Grant

Decision Date: 8-6-2013

ORD that the time for the respondent to file its respondent's brief is extended to August 19, 2013. See Wis. Stat. Rule 809.82(2)(a).

See BRS event due on 8-19-2013

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OCCD CA 07-19-2013 Motion to Extend Time

Filed By: Michael Sanders

Submit Date: 7-22-2013

Decision: (G) Grant

Decision Date: 7-23-2013

ORD that the time for the respondent to file its brief is extended to 8/2/13. See Wis. Stat. Rule 809.82(2)(a).

See BRS event due on 8-2-2013

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OCCD CA 06-18-2013 Motion to Extend Time

Filed By: Michael Sanders

Submit Date: 6-18-2013

Decision: (G) Grant

Decision Date: 6-20-2013

ORD that the time for the respondent to file its brief is extended to 7/18/13. See Wis. Stat. Rule 809.82(2)(a).

See BRS event due on 7-18-2013

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OCCD CA 05-24-2013 Attorney Change

Comment: AAG Michael C. Sanders for State per letter notice of appearance

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OCCD CA 05-16-2013 Certificate of Service

Comment: BAP

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OCCD CA 05-16-2013

Brief & Appendix of Appellant(s)

[Brief of Appellant](#)

Filed By: Gerald Boyle

Comment: Appx to Brief of Appellant(s) Rcd 10 addtl copies of CA briefs for SC

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OCCD CA 04-12-2013

Motion to Extend Time

Filed By: Bridget Boyle

Submit Date: 4-12-2013

Decision: (G) Grant

Decision Date: 4-16-2013

ORD that the time for the appellant to file an appellant's brief is extended to 5/17/13. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

See BAP event due on 5-17-2013

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OCCD CA 03-21-2013

Supplement to Record

Comment: 104-1 to 106-2

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OCCD CA 03-08-2013

Order

ORD that the deadline for filing a notice of appeal is extended to March 30, 2013; by the extended deadline the appellant shall file in the circuit court an amended notice of appeal or the appeal will be dismissed.

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OCCD CA 03-07-2013

Sealed Documents

Comment: #74, 103

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OCCD CA 03-07-2013

Record

Comment: 1-4 to 103-1, Separate Box, PSI #74

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OCCD CA 02-06-2013

Attorney Change

Comment: Changed Gerald H. Boyle to Gerald P. Boyle on behalf of appellant per letter advising of error

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OCCD CA 02-05-2013

Fee Paid

Comment: Invoice No: 16704; Receipt No: 13R 000335

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OCCD CA 02-05-2013

Invoice Issued

Comment: Invoice No: 16704

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OCCD CA 01-29-2013

Court Order for Filing Fee Issued

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OCCD CA 01-28-2013

Statement on Transcript

Filed By: Gerald Boyle

Status: Prev. Filed

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| OCCD CA                                                                                                                                                                                                                                       | 01-28-2013 | Notif. Sent-Filing of NAP & Ct. Record          |
| OCCD CA                                                                                                                                                                                                                                       | 01-28-2013 | Notice of Appeal & Circuit Court Docket Entries |
| OCCD CA                                                                                                                                                                                                                                       | 01-28-2013 | X Transfer                                      |
| OCCD CA                                                                                                                                                                                                                                       | 01-23-2013 | Notice of Appeal filed in Circuit Court         |
| OCCD CA                                                                                                                                                                                                                                       | 12-21-2012 | Mot. Extend Time to file NAP/PCM                |
| Filed By: Bridget Boyle<br>Submit Date: 12-21-2012<br>Decision: (G) Grant<br>Decision Date: 12-26-2012<br>ORD that the time for filing a postconviction motion is extended to January 25, 2013. See Wis. Stat. Rule 809.82(2)(a).             |            |                                                 |
| OCCD CA                                                                                                                                                                                                                                       | 09-26-2012 | Motion to Extend Time to File Transcript(s)     |
| Filed By: Jane Schneider<br>Submit Date: 9-26-2012<br>Decision: (G) Grant<br>Decision Date: 9-28-2012<br>ORD that the time for filing the transcripts in this case is extended to October 17, 2012. See Wis. Stat. Rule 809.11(7). (2009-10). |            |                                                 |
| OCCD CA                                                                                                                                                                                                                                       | 06-14-2012 | Judgment of Circuit Court                       |