

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Joseph J. Spaeth

Appeal Number 2009AP002907 - CR

Supreme Court

CASE HISTORY

| Status | Court | Filing Date | Anticipated Due Date | Activity |
|--------|-------|-------------|----------------------|--|
| OCCD | SC | 08-22-2012 | | Remittitur |
| OCCD | SC | 07-13-2012 | | Published Opinion Citation 343 Wis. 2d 220 |
| OCCD | SC | 07-13-2012 | | Published Opinion Citation 819 N.W.2d 769 |
| OCCD | SC | 07-13-2012 | | Opinion/Decision Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman Opinion: Opinion Decision: Reversed and remanded Pages: 31 Written by: Prosser, David T. Jr. Abrahamson, Shirley S. Wrote Concurring Opinion 5 pages. Roggensack, Patience Drake Wrote Dissenting Opinion 25 pages. Order Text: The judgment of the circuit court is reversed and the cause remanded. |
| OCCD | SC | 07-12-2012 | | Public Domain Citation Comment: PDC No: 2012 WI 95 |
| OCCD | SC | 10-18-2011 | | Oral Argument Comment: at 9:15 a.m., Attorney Shelley Fite counsel for Defendant-Appellant and Attorney Sally L. Wellman counsel for Plaintiff-Respondent. |
| OCCD | SC | 09-12-2011 | | Letter/Correspondence Comment: AAG Wellman appears for State per letter of representation |
| OCCD | SC | 09-09-2011 | | Motion for Miscellaneous Relief Filed By: Mark Neuser Submit Date: 9-12-2011 Decision: (G) Grant Decision Date: 9-13-2011 |

ORD that the motion is granted. Oral argument is rescheduled for October 18, 2011 at 9:15 a.m.
Motion Response
Filed By: Shelley Fite
Submit Date: 9-12-2011
Comment: Motion to Reschedule Oral Argument; 9/13/11 rcvd. hard copy of motion response from Fite, placed in file

OCCD SC 09-09-2011 Sua Sponte
Filed By: Supreme Court Supreme Court
Submit Date: 9-9-2011
Decision: (N) No Action
Decision Date: 9-13-2011
No action.
Comment: OK for AAG Neuser to participate in oral argument?

OCCD SC 09-09-2011 Letter/Correspondence
Comment: from AAG Neuser advising he has accepted a position as Supreme Court Commissioner; intends to participate in oral argument on this case unless the court deems it inappropriate

OCCD SC 08-10-2011 Attorney Change
Comment: SPD Fite appears for Joseph Spaeth and will present oral argument

OCCD SC 08-10-2011 State Public Defender Order Appointing Counsel
Comment: Shelley Fite

OCCD SC 07-15-2011 Briefs Received At State Law Library

OCCD SC 06-30-2011 [Brief of Amicus Curiae/Non-Party](#)
[Brief of Amicus Curiae Wisconsin Association of Criminal Defense Lawyers](#)
Filed By: Jake Remington
Comment: Wisconsin Association of Criminal Defense Lawyers

OCCD SC 06-29-2011 Assigned for Oral Argument

OCCD SC 06-28-2011 Response
Comment: 10/17 copies of CA briefs received 6/28/11

OCCD SC 06-13-2011 Motion to File Amicus/Non-Party Brief
Filed By: Robert Henak
Submit Date: 6-13-2011
Decision: (G) Grant
Decision Date: 6-13-2011
ORD that the motion is granted. Twenty-two copies of the brief shall be filed on or before 6/30/11.
Comment: Wisconsin Association of Criminal Defense Lawyers

OCCD SC 06-13-2011 [Reply Brief-Supreme Court](#)
[Reply Brief-Supreme Court](#)

Filed By: Andrew Hinkel

OCCD SC 05-26-2011 Response Brief-Supreme Court
[Response Brief-Supreme Court](#)

Filed By: Mark Neuser

OCCD SC 04-14-2011 Motion to Extend Time

Filed By: Mark Neuser

Submit Date: 4-15-2011

Decision: (G) Grant

Decision Date: 4-18-2011

ORD that the motion is granted. Plaintiff-respondent's brief shall be served and filed on or before May 26, 2011. No further extensions of time will be granted to this party.

See BR2 event due on 5-26-2011

OCCD SC 04-08-2011 First Brief-Supreme Court
[First Brief-Supreme Court](#)

Filed By: Andrew Hinkel

Comment: Appx to First Brief-Supreme Court

OCCD SC 03-02-2011 Motion to Extend Time

Filed By: Andrew Hinkel

Submit Date: 3-3-2011

Decision: (G) Grant

Decision Date: 3-3-2011

ORD that the motion to extend time to file a brief is granted. Defendant-appellant shall serve and file his brief on or before April 8, 2011. No further extensions of time will be granted to this party.

See BR1 event due on 3-10-2011

OCCD SC 03-02-2011 Attorney Change

Comment: SPD Andrew R. Hinkel on behalf of Joseph J. Spaeth per filing of Notice of Appearance

OCCD SC 02-08-2011 Court Changed to Supreme Court

OCCD CA 02-08-2011 Hold Status

OCCD SC 12-29-2010 Certification Filed

Filed By: Unassigned District 2

Submit Date: 1-5-2011

Decision: (G) Grant

Decision Date: 2-8-2011

ORD certification granted. Briefs/statements 30/20/10.

See DEC event filed on 12-29-2010

OCCD CA 12-29-2010 [Opinion/Decision](#)

Judge Panel: Anderson, Brown, Reilly

Opinion: Certification

Decision: Certification Filed Pages: 10

Order Text: We certify to invite the supreme court to clarify if a statement made to law enforcement following a probationers honest accounting to an agent may become a wholly independent source under Kastigar and, if so, under what parameters.

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| OCCD CA | 11-11-2010 | Submitted on Briefs |
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| OCCD CA | 10-21-2010 | Letter/Correspondence |
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| OCCD CA | 08-12-2010 | Briefs Received At State Law Library |
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| OCCD CA | 07-28-2010 | Record and Briefs Sent to District 2 |
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| OCCD CA | 07-27-2010 | Reply Brief Reply Brief |
| | Filed By: Shelley Fite | |

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| OCCD CA | 07-16-2010 | Brief of Respondent(s) Brief of Respondent |
| | Filed By: Mark Neuser | |

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| OCCD CA | 06-25-2010 | Motion to Extend Time |
| | Filed By: Mark Neuser | |
| | Submit Date: 6-28-2010 | |
| | Decision: (G) Grant | |
| | Decision Date: 6-29-2010 | |
| | ORD that the time for the respondent to file its brief is extended to 7/26/10. See Wis. Stat. Rule 809.82(2)(a). | |
| | See BRS event due on 7-26-2010 | |

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| OCCD CA | 05-26-2010 | Motion to Extend Time |
| | Filed By: Mark Neuser | |
| | Submit Date: 5-27-2010 | |
| | Decision: (G) Grant | |
| | Decision Date: 6-1-2010 | |
| | ORD that the time for the respondent to file its brief is extended to 6/25/10. See Wis. Stat. Rule 809.82(2)(a). | |
| | See BRS event due on 6-25-2010 | |

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| OCCD CA | 05-06-2010 | Attorney Change |
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| OCCD CA | 04-26-2010 | Brief & Appendix of Appellant(s) Brief of Appellant |
| | Filed By: Shelley Fite | |

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| OCCD CA | 04-07-2010 | Hold Status |
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| OCCD CA | 04-06-2010 | Record |
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| OCCD CA | 03-17-2010 | Notice of Reporter RE: Filing of Transcript(s) Court Reporter Name: (Meinen, Jessica) |
| OCCD CA | 03-15-2010 | Transcript filed in Circuit Court |
| OCCD CA | 03-15-2010 | Statement on Transcript Filed By: Shelley Fite Status: Ordered |
| OCCD CA | 01-08-2010 | Record Remanded to Circuit Court |
| OCCD CA | 12-28-2009 | Record |
| OCCD CA | 12-18-2009 | Motion for Remand Filed By: Shelley Fite Submit Date: 1-6-2010 Decision: (G) Grant Decision Date: 1-8-2010 ORD that pursuant to Wis. Stat. s. 808.07(5), the record is remanded to the circuit court so the appellant may file a postconviction motion. The appellant shall file his motion in the circuit court within 15 days of the date of this order. The circuit court shall decide the motion within 60 days of its filing. FRO that if the appeal will be pursued after the decision on remand, within 7 days of the decision on remand, the appellant shall file an amended statement on transcript with respect to the remand hearing, if any. FRO that the clerk of the circuit court shall return the record, including the additional portions pertaining to the remand, see Wis. Stat. s. 808.075(7), to this court within 14 days of the decision on remand if no amended statement on transcript is filed, or within 14 days of the filing of the transcript to be produced according to the amended statement on transcript. FRO that any objection to the judgment or order entered on remand shall be included in the parties' briefs and no separate objection under Wis. Stat. s. 808.075(8), is necessary. FRO that the appellant's brief and appendix shall be filed within 40 days after the record is returned to this court. |
| OCCD CA | 11-23-2009 | Notif. Sent-Filing of NAP & Ct. Record |
| OCCD CA | 11-23-2009 | Fee Waived |
| OCCD CA | 11-23-2009 | Notice of Appeal & Circuit Court Docket Entries |
| OCCD CA | 11-23-2009 | X Transfer |
| OCCD CA | 11-18-2009 | Notice of Appeal filed in Circuit Court |
| OCCD CA | 11-17-2009 | State Public Defender Order Appointing Counsel |
| OCCD CA | 11-17-2009 | Statement on Transcript |

Filed By: Shelley Fite
Status: Prev. Filed

OCCD CA 08-04-2009 Motion to Extend Time to File Notice of Intent
Filed By: Colleen Bradley
Submit Date: 8-4-2009
Decision: (G) Grant
Decision Date: 8-5-2009
ORD the time permitted the defdt for filing a NI is ext to 8/3/09, the date on which the notice was filed in this case. See Wis. Stat. Rule 809.82(2)(a).

OCCD CA 05-08-2009 Judgment of Circuit Court

OCCD CA 08-21-2008 Mot. Extend Time to Decide Postconviction Motion
Filed By: Shelley Fite
Submit Date: 8-21-2008
Decision: (G) Grant
Decision Date: 8-25-2008
ORD the time permitted the TC for hearing and deciding the defdt's PCM is ext to 10/31/08.

OCCD CA 05-23-2008 Order
ORD that by 6/3/08, the State shall file a response to the motion for an extension of time for filing a NAP/PCM.
See XNP event filed on 5-20-2008

OCCD CA 05-20-2008 Mot. Extend Time to file NAP/PCM
Filed By: Brian Findley
Submit Date: 5-21-2008
Decision: (G) Grant
Decision Date: 6-3-2008
ORD that the time for filing a NAP/PCM is ext to 6/17/08.
Motion Response
Filed By: Gregory Weber
Submit Date: 6-2-2008
This motion contains court order(s).
