

# Wisconsin Supreme Court and Court of Appeals Case Access

State v. Nhia Lee

Appeal Number 2019AP000221 - CR

Supreme Court

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-03-2023		Fee Paid Comment: Receipt No: 23R 001869
OCCD	SC	07-20-2022		Other Papers Comment: Rec'd returned mailing for Attys Phillips, Thome & Fluker (7/13/22 RMT), marked with sticker reading "RTS - Please update your mailing list. The addressed no longer resides at this location. Thank you."; 7/21/22 mailing for Phillips & Thome resent to updated address at Attolles Law, mailing for Atty Fluker resent to von Briesen & Roper in Milwaukee for 2nd mailing attempt.
OCCD	SC	07-13-2022		Remittitur
OCCD	SC	05-24-2022		Published Opinion Citation 401 Wis. 2d 593
OCCD	SC	05-24-2022		Published Opinion Citation 973 N.W.2d 764
OCCD	SC	05-24-2022		<a href="#">Opinion/Decision</a> Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky Opinion: Per Curiam Decision: Dismissed Pages: 1 Bradley, Rebecca Grassl Wrote Concurring Opinion 2 pages. Ziegler, Annette K. Joined Concurring Opinion Hagedorn, Brian K. Joined Concurring Opinion Dallet, Rebecca F. Wrote Dissenting Opinion 10 pages. Bradley, Ann Walsh Joined Dissenting Opinion Order Text: The review of the decision of the court of appeals is dismissed as improvidently granted.
OCCD	SC	05-24-2022		Public Domain Citation Comment: PDC No: 2022 WI 32
OCCD	SC	12-10-2021		Oral Argument

Comment: 1st case, 9:45 a.m. (in the State Capitol). Julianne M. Lennon for Defendant-Appellant-Petitioner. Bonnie Hoffman for Amicus Party. Ellen Henak for Amicus Party. Timothy M. Barber for Plaintiff-Respondent.

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OCCD SC 12-08-2021 Motion for Miscellaneous Relief

Filed By: Julianne Lennon  
Submit Date: 12-8-2021  
Decision: (G) Grant  
Decision Date: 12-8-2021

IT IS ORDERED that Attorney Lennon may appear for the oral argument by telephone. Attorney Lennon is instructed to promptly contact the Marshals Office to make arrangements to appear by telephone (office no. 608-266-0231).

Comment: motion to appear virtually for oral argument

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OCCD SC 12-07-2021 Response

Comment: State's response to petitioner's 12/6/21 letter of supplemental authority

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OCCD SC 12-06-2021 Letter/Correspondence

Comment: letter from Attorney Lennon re: supplemental authority w/ exhibit

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OCCD SC 12-03-2021 Motion for Miscellaneous Relief

Filed By: Timothy Barber  
Submit Date: 12-3-2021  
Decision: (D) Deny  
Decision Date: 12-8-2021

IT IS ORDERED that the State's motion to file a sur-reply brief is denied.

REBECCA GRASSL BRADLEY, J. (dissenting). A majority of the court denies the State's motion to file a sur-reply brief without any explanation of its rationale for this ruling. I would grant the State's motion and accept the State's brief in the interest of having the court fully apprised of the parties' arguments in preparation for oral argument. Regardless, the court should explain its procedural rulings in order for appellate attorneys to conform their practices accordingly.

I am authorized to state that ANNETTE KINGSLAND ZIEGLER, C.J., and PATIENCE DRAKE ROGGENSACK, J., join this dissent.

Motion Response

Filed By: Julianne Lennon  
Submit Date: 12-6-2021

Comment: Motion to file Sur-Reply Brief; response filed 12/6/21

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OCCD SC 12-01-2021 Motion for Miscellaneous Relief

Filed By: Ellen Henak  
Submit Date: 12-1-2021  
Decision: (G) Grant  
Decision Date: 12-3-2021

IT IS ORDERED that the motion is granted. NACDL and WACDL shall be permitted to participate in the oral argument using a total of ten minutes of Lee's allotted oral argument time, with five minutes allocated to NACDL and five minutes allocated to WACDL.

Comment: motion to participate in oral argument

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OCCD SC 11-29-2021 Motion for Miscellaneous Relief

Filed By: Ellen Henak  
Submit Date: 11-29-2021  
Decision: (G) Grant  
Decision Date: 12-1-2021

IT IS ORDERED that the motions are granted. Attorney Hoffman is granted pro hac vice status, and a copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order. Attorney Hoffman shall be permitted to participate in the oral argument on behalf of amicus curiae National Association of Criminal Defense Lawyers using five minutes of defendant-appellant-petitioner's allotted 30 minutes for argument.

Comment: Motion to Participate in Oral Argument (WACDL)

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OCCD SC 11-29-2021 Motion for Pro Hac Vice Admission

Filed By: Ellen Henak  
Submit Date: 11-29-2021  
Decision: (G) Grant  
Decision Date: 12-1-2021

IT IS ORDERED that the motions are granted. Attorney Hoffman is granted pro hac vice status, and a copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order. Attorney Hoffman shall be permitted to participate in the oral argument on behalf of amicus curiae National Association of Criminal Defense Lawyers using five minutes of defendant-appellant-petitioner's allotted 30 minutes for argument.

Comment: filed by Attorney Henak to allos Bonnie Hoffman to appear PHV

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OCCD SC 10-29-2021 Briefs Received At State Law Library

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OCCD SC 10-15-2021 Assigned for Oral Argument

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OCCD SC 08-20-2021 Brief of Amicus Curiae/Non-Party  
[Amicus Curiae Brief of Wisconsin State Public Defender](#)

Filed By: Katie York  
Comment: State Public Defender

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OCCD SC 08-20-2021 Brief of Amicus Curiae/Non-Party  
[Nonparty Brief of Wisconsin Counties Association](#)

Filed By: Andrew Phillips  
Comment: Wisconsin Counties Association

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OCCD SC 08-16-2021 Brief of Amicus Curiae/Non-Party  
[Nonparty Brief of National Association of Criminal Defense Lawyers](#)

Filed By: Jerome Buting  
Comment: National Association of Criminal Defense Lawyers. 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 08-10-2021 Notice of Appearance

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OCCD SC 08-09-2021 Certificate of Filing by Mail  
Comment: re: amicus curiae brief of Wisconsin Assoc. of Criminal Defense Lawyers

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OCCD SC 08-09-2021 Certificate of Filing by Mail  
Comment: BAM WI Assoc. for Criminal Defense Lawyers - mailed 8/5/2021

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OCCD SC 08-09-2021 Brief of Amicus Curiae/Non-Party  
[Nonparty Brief of the Wisconsin Association of Criminal  
Defense Lawyers](#)

Filed By: Ellen Henak  
Comment: Wisconsin Association for Criminal Defense Lawyers. 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 08-05-2021 Letter/Correspondence  
Comment: From Atty Henak re: unable to e-file amicus brief, in contact w/CCAP.

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OCCD SC 07-23-2021 Certificate of Filing by Mail  
Comment: Certificate of Filing by Mail

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OCCD SC 07-23-2021 Reply Brief-Supreme Court  
[Reply Brief-Supreme Court](#)  
Filed By: Julianne Lennon

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OCCD SC 07-21-2021 Motion to File Amicus/Non-Party Brief  
Filed By: Andrew Phillips  
Submit Date: 7-21-2021  
Decision: (G) Grant  
Decision Date: 7-27-2021  
IT IS ORDERED that the motions are granted. The parties shall file twenty-two copies of their amicus briefs on or before August 20, 2021.  
Comment: re: Wisconsin Counties Association

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OCCD SC 07-20-2021 Motion to File Amicus/Non-Party Brief  
Filed By: Katie York  
Submit Date: 7-20-2021  
Decision: (G) Grant  
Decision Date: 7-27-2021  
IT IS ORDERED that the motions are granted. The parties shall file twenty-two copies of their amicus briefs on or before August 20, 2021.  
Comment: re: State Public Defender Motion to File Amicus/Non-Party Brief

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OCCD SC 07-12-2021 Motion to File Amicus/Non-Party Brief  
Filed By: Ellen Henak  
Submit Date: 7-12-2021  
Decision: (G) Grant  
Decision Date: 7-13-2021  
IT IS ORDERED that the motions are granted. The parties shall file twenty-two copies of their amicus briefs on or before August 13, 2021.  
Comment: re: Wisconsin Association of Criminal Defense Lawyers

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OCCD SC 07-12-2021 Motion to File Amicus/Non-Party Brief

Filed By: Jerome Buting

Submit Date: 7-12-2021

Decision: (G) Grant

Decision Date: 7-13-2021

IT IS ORDERED that the motions are granted. The parties shall file twenty-two copies of their amicus briefs on or before August 13, 2021.

Comment: re: National Association of Criminal Defense Lawyers

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OCCD SC 07-08-2021 Certificate of Filing by Mail

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OCCD SC 07-08-2021 Response Brief-Supreme Court  
[Response Brief-Supreme Court](#)

Filed By: Timothy Barber

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OCCD SC 06-18-2021 Certificate of Filing by Mail  
Comment: First Supreme Court brief 22 copies mailed 06-17-2021

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OCCD SC 06-18-2021 First Brief-Supreme Court  
[First Brief-Supreme Court](#)

Filed By: Julianne Lennon

Comment: Please note that the appendix e-file certification pursuant to Rule 809.19(13) has been added to this brief.

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OCCD SC 05-19-2021 Caption Amended

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OCCD SC 05-19-2021 Court Changed to Supreme Court

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OCCD CA 03-08-2021 Final Publication

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OCCD CA 02-24-2021 Published Opinion Citation  
396 Wis. 2d 136

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OCCD CA 02-24-2021 Published Opinion Citation  
955 N.W.2d 424

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OCCD CA 02-24-2021 Opinion Ordered Published

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OCCD CA 02-24-2021 Public Domain Citation  
Comment: PDC No: 2021 WI App 12

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OCCD SC 02-19-2021 Certificate of Service

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OCCD SC 02-18-2021 Certificate of Filing by Mail

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OCCD SC 02-18-2021 Fee Waived

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Comment: On PRE per CA

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OCCD SC 02-18-2021 Petition for Review

Filed By: Julianne Lennon  
Submit Date: 3-5-2021  
Decision: (G) Grant  
Decision Date: 5-19-2021  
ORD petition for review is granted. Briefs due 30/20/10.  
Motion Response  
Filed By: Timothy Barber  
Submit Date: 3-5-2021

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OCCD CA 01-20-2021 [Opinion/Decision](#)

Judge Panel: Stark, Hruz, Seidl  
Opinion: Opinion  
Decision: Reversed and remanded Pages: 34  
Written by: Hruz, Thomas M.  
Order Text: Order reversed and cause remanded with directions.

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OCCD CA 10-28-2020 Oral Argument

Comment: 2:30 p.m. via Zoom

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OCCD CA 10-21-2020 Letter/Correspondence

Comment: Letter to counsel re: oral argument

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OCCD CA 10-15-2020 [Brief of Amicus Curiae/Non-Party  
Amicus Brief \(Wisconsin State Public Defender\)](#)

Filed By: Katie York  
Comment: Wisconsin State Public Defender

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OCCD CA 09-15-2020 Order

IT IS ORDERED that the amicus brief is due thirty days from the date of this order. The brief shall not exceed thirteen (13) pages if a monospaced font is used or 3,000 words if a proportional serif font is used. WIS. STAT. RULE 809.19(8)(c)2.

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OCCD CA 09-03-2020 Assigned for Oral Argument

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OCCD CA 06-02-2020 Record and Briefs Sent to District 3

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OCCD CA 05-27-2020 [Reply Brief  
Reply Brief](#)

Filed By: Julianne Lennon

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OCCD CA 05-13-2020 [Brief of Respondent\(s\)  
Brief of Respondent](#)

Filed By: Timothy Barber

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OCCD CA 02-21-2020 Motion to Extend Time  
Filed By: Timothy Barber  
Submit Date: 2-24-2020  
Decision: (G) Grant  
Decision Date: 2-26-2020  
ORD that the time for the respondent to file its brief is extended to 3/27/20. See WIS. STAT. RULE 809.82(2)(a).  
See BRS event due on 3-27-2020

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OCCD CA 01-27-2020 Brief & Appendix of Appellant(s)  
[Brief of Appellant](#)  
Filed By: Julianne Lennon

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OCCD CA 01-22-2020 Notice of Appearance  
Comment: Filed by AAG Timothy M. Barber

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OCCD CA 01-22-2020 Motion to Extend Time  
Filed By: Julianne Lennon  
Submit Date: 1-22-2020  
Decision: (G) Grant  
Decision Date: 1-23-2020  
ORD that the time to file the appellant's brief and appendix is extended to 1/30/20.  
See BAP event due on 1-30-2020

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OCCD CA 12-12-2019 Record  
Comment: 1-6 to 58-1, ELECTRONICALLY FILED

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OCCD CA 12-09-2019 Notif. Sent-Filing of LVO & Court Record

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OCCD CA 12-06-2019 Copy of Order Granting Leave - from Cir. Ct.  
Comment: Transmittal of Notice of Appeal (leave grant order)

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OCCD CA 12-02-2019 State Public Defender Order Appointing Counsel

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OCCD CA 06-11-2019 Order  
ORD that the State shall file a supplemental response to the petition for interlocutory appeal within 15 days of the date of this order. FRO that Lee may reply to the State's supplemental response, should he deem a reply necessary, within 10 days of the date the supplemental response is filed.  
See PLV event filed on 1-28-2019

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OCCD CA 04-17-2019 Attorney Change  
Comment: AAG Hannah S. Jurss added as co-counsel for State per letter. Attorney Change filed by Attorney Jurss

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OCCD CA 03-29-2019 Non-Final Order of Circuit Court

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OCCD CA 03-11-2019 Certificate of Service

OCCD CA 03-08-2019 Motion for Miscellaneous Relief  
Filed By: Julianne Lennon  
Submit Date: 3-8-2019  
Decision: (G) Grant  
Decision Date: 3-11-2019  
ORD that we grant Lee's motion to supplement his petition for leave to appeal with his motion and amended motion to dismiss. FRO that Lee shall make arrangements to obtain the transcripts or other documentation from as many of the proceedings prior to the preliminary hearing as can be produced. Lee shall file an additional supplement to his petition by April 28, 2019, that includes copies of the transcripts or other documentation of the proceedings in this matter, as well as an explanation as to when or whether the circuit court has indicated that it intends to rule on his pending motion to dismiss.

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OCCD CA 02-11-2019 Motion for Miscellaneous Relief  
Filed By: Timothy Samuelson  
Submit Date: 2-11-2019  
Decision: (G) Grant  
Decision Date: 2-12-2019  
ORD that the time for the State to respond to the petition for leave to appeal is extended to March 1, 2019.

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OCCD CA 02-06-2019 Attorney Change  
Comment: AG from Kawski to Samuelson

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OCCD CA 02-05-2019 Certificate of Service  
Comment: AG filed statement of service of PLV by mail on 1/25/19; resp due 2/11/19

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OCCD CA 02-05-2019 Affidavit of No Service filed  
Comment: AG filed re PLV

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OCCD CA 01-28-2019 Certificate of Service  
Comment: PLV mailed 1/25/18

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OCCD CA 01-28-2019 Fee Waived  
Comment: court appointed

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OCCD CA 01-28-2019 Petition for Leave to Appeal  
Filed By: Julianne Lennon  
Submit Date: 3-1-2019  
Decision: (G) Grant  
Decision Date: 11-20-2019  
ORD that the petition for leave to appeal is granted. Pursuant to WIS. STAT. RULE 809.11(2), the clerk of the circuit court or responsible court official shall return the copy of the order granting this petition and the trial court case entries maintained pursuant to WIS. STAT. 59.40 to the clerk of this court within 3 days of receipt of this order. Entry of this order has the effect of the filing of the notice of appeal. WIS. STAT. RULE 809.50(3). The record shall be due 12/11/19. AMENDED 11/21/19 as to appeal no. and mandate.



Motion Response

Filed By: Julianne Lennon

Submit Date: 3-5-2021

Motion Response

Filed By: Timothy Samuelson

Submit Date: 3-1-2019

Motion Response

Filed By: Julianne Lennon

Submit Date: 3-11-2019

Motion Response

Filed By: Julianne Lennon

Submit Date: 4-23-2019

Motion Response

Filed By: Hannah Jurss

Submit Date: 6-27-2019

Motion Response

Filed By: Julianne Lennon

Submit Date: 7-8-2019

This motion contains court order(s).

Comment: AG aff of no service 2/5/19; AG served by mail 1/25/19; Response ordered 3/11/19; State's supp response filed 6/26/19.

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