

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Gregory K. Nielsen

Appeal Number 2010AP000387 - CR

Court of Appeals District 2

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	12-21-2011		Fee Paid Comment: Invoice No: 15830; Receipt No: 11R 003141
OCCD	CA	12-21-2011		Fee Paid Comment: Invoice No: 15830; Receipt No: 11R 003140
OCCD	CA	12-21-2011		Fee Paid Comment: Invoice No: 15830; Receipt No: 11R 003139
OCCD	CA	12-21-2011		Remittitur
OCCD	CA	12-21-2011		Invoice Issued
OCCD	CA	11-25-2011		Sua Sponte Filed By: Unassigned District 2 Submit Date: 11-25-2011 Decision: (O) Other Decision Date: 11-30-2011 ORD that within 30 days of the date of this order, the Office of the State Public Defender shall pay \$150 to the clerk of this court as a sanction for the filing of an appendix that did not comply with Wis. Stat. Rule 809.19(2). Comment: SPD Lee's response to order to show cause
OCCD	CA	11-23-2011		Response Comment: SPD Lee's response to order to show cause why court should not find that counsel violated Rule 809.19(2)(a) and (b)
OCCD	CA	11-09-2011		Order ORD that the previously imposed sanction of \$150 against the Office of the State Public Defender is vacated. FRO that within 30 days of the date of this order, counsel for the appellant shall file the response required by this order to show cause, or in the alternative, pay a \$150 sanction to the Clerk of the Court

of appeals.

FRO that the time for remittitur is stayed pending disposition of this order to show cause proceeding.

OCCD CA 11-09-2011 Opinion/Decision
Judge Panel: Brown, Neubauer, Reilly
Opinion: Summary Disposition
Decision: Affirmed Pages: 4
Order Text: Judgment and order are summarily affirmed. (Amended order of December 22, 2010 -- See CTO)

OCCD CA 11-08-2011 Sua Sponte
Filed By: Unassigned District 2
Submit Date: 11-8-2011
Decision: (O) Other
Decision Date: 11-9-2011
Amended decision and separate order issued 11/9/11.
Comment: SC remanded to CA for further action; Amended decision and separate order issued 11/9/11

OCCD SC 11-01-2011 Published Opinion Citation
337 Wis. 2d 302

OCCD SC 11-01-2011 Published Opinion Citation
805 N.W.2d 353

OCCD SC 11-01-2011 Court Changed to Court of Appeals

OCCD SC 11-01-2011 [Opinion/Decision](#)
Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman
Opinion: Opinion
Decision: Remanded to Court of Appeals Pages: 21
Written by: Abrahamson, Shirley S.
Order Text: The cause is remanded to the court of appeals with directions.

OCCD SC 10-31-2011 Public Domain Citation
Comment: PDC No: 2011 WI 94

OCCD SC 10-11-2011 Letter/Correspondence
Comment: from Attorney Beth Hanan providing clarification of a response to a question raised in oral argument; fwd to SC

OCCD SC 10-06-2011 Oral Argument
Comment: 1st case at 9:45 a.m., Atty. Joseph N. Ehmann counsel for Def-App-Pet, Beth E. Hanan counsel for Res, Thomas M. Hruz counsel for Amicus Curiae.

OCCD SC 09-28-2011 Attorney Change
Comment: AAG Gregory Weber for AAG Mark Neuser, on behalf of State of Wisconsin

OCCD SC 09-23-2011 Letter/Correspondence
Comment: from PD Ehmann, enclosing copies of documents that may be referenced during oral argument; fwd to SC

OCCD SC 09-02-2011 Letter/Correspondence
Comment: To all counsel: cover letter (to revised Oct. 2011 oral argument calendar) notifying of oral argument schedule change. cjp

OCCD SC 09-01-2011 Motion for Miscellaneous Relief
Filed By: Anne Kearney
Submit Date: 9-1-2011
Decision: (M) Dismiss
Decision Date: 9-28-2011
ORD that the motion is dismissed as moot. The Section shall be permitted to participate in the oral argument using 5 minutes of defendant-appellant-petitioner's allotted 30 minutes for argument.
Motion Response
Filed By: Beth Hanan
Submit Date: 9-1-2011
Motion Response
Filed By: Anne Kearney
Submit Date: 9-27-2011
Comment: Motion of Appellate Practice Section of the State Bar of Wisconsin Requesting Limited Oral Argument Time

OCCD SC 07-21-2011 Briefs Received At State Law Library

OCCD SC 07-12-2011 Certificate of Filing by Mail
Comment: For BAM filed 7/8/11

OCCD SC 07-08-2011 Certificate of Service
Comment: For BAM filed 7/7/11.

OCCD SC 07-08-2011 Certificate of Filing by Mail
Comment: For BAM filed 7/7/11.

OCCD SC 07-08-2011 Brief of Amicus Curiae/Non-Party
[Brief of Amicus Curiae - Wisconsin Association of Criminal Defense Lawyers](#)
Filed By: Robert Henak
Comment: Wisconsin Association of Criminal Defense Lawyers Appx of Amicus Curiae - Wisconsin Association of Criminal Defense Lawyers

OCCD SC 07-07-2011 Brief of Amicus Curiae/Non-Party
[Brief of Amicus Curiae - The Appellate Practice Section of the State Bar of Wisconsin](#)
Filed By: Thomas Hruz
Comment: The Appellate Practice Section of the State Bar of Wisconsin Appx of Amicus Curiae - The Appellate Practice Section of the State Bar of Wisconsin

OCCD SC 07-06-2011 Assigned for Oral Argument

OCCD SC 06-21-2011 [Reply Brief-Supreme Court](#)
[Reply Brief-Supreme Court](#)

Filed By: Joseph Ehmann
Comment: Appx to Reply Brief-Supreme Court

OCCD SC 06-14-2011 Motion to File Amicus/Non-Party Brief

Filed By: Anne Kearney
Submit Date: 6-14-2011
Decision: (G) Grant
Decision Date: 6-14-2011
ORD that the motion is granted. Twenty-two copies of the brief shall be filed on or before 7/8/11.
Comment: The Appellate Practice Section of the State Bar of Wisconsin

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 7/8/11.
Comment: Wisconsin Association of Criminal Defense Lawyers

OCCD SC 06-09-2011 Letter/Correspondence

Comment: Attorney Hanan submits further factual illustrations of the Court of Appeals invoking Rules 809.19(2)(a) and 809.83(2); fwd to SC via Marshal Letter/Correspondence

OCCD SC 06-06-2011 Certificate of Filing by Mail

Comment: BR2 Brief

OCCD SC 06-06-2011 Certificate of Service

Comment: BR2 Brief

OCCD SC 06-01-2011 [Response Brief-Supreme Court](#)
[Response Brief-Supreme Court](#)

Filed By: Beth Hanan

OCCD SC 05-12-2011 [First Brief-Supreme Court](#)
[First Brief-Supreme Court](#)

Filed By: Joseph Ehmann
Comment: Separate Appendix Appx to First Brief-Supreme Court

OCCD SC 04-26-2011 Response

Comment: 10 copies CA briefs received

OCCD SC 04-20-2011 No Brief to Be Filed

Comment: State will not file a Supreme Court brief and waives its right to participate in oral argument

OCCD SC 04-19-2011 Caption Amended

OCCD SC 04-15-2011 Motion for Clarification

Filed By: Beth Hanan

Submit Date: 4-15-2011

Decision: (O) Other

Decision Date: 4-19-2011

ORD that under simultaneous and separate cover, the clerk of this court shall send an amended notice of caption to the parties adding the State of Wisconsin Court of Appeals as a respondent in this matter. FRO that respondent, State of Wisconsin Court of Appeals, rather than plaintiff-respondent, State of Wisconsin, must file a response brief or a statement that no brief will be filed in response to defendant-appellant-petitioner's brief-in-chief within 20 days of its filing.

Comment: 4/12/11 order granting PRE; Which party shall respond to the SPD's SC brief?

OCCD SC 04-12-2011 Caption Amended

OCCD SC 04-12-2011 Court Changed to Supreme Court

OCCD SC 02-24-2011 Motion to File Amicus/Non-Party Brief

Filed By: Thomas Hruz

Submit Date: 2-24-2011

Decision: (G) Grant

Decision Date: 4-12-2011

ORD that the motions are granted and the non-party briefs of WACDL and the Section are accepted for filing.

FRO that the petition for review is granted. Briefs/statements due 30/20/10.

FRO that the alternative petition for supervisory writ is dismissed as moot.

Comment: in support of PRE; Appellate Practice Section of State Bar

OCCD SC 02-07-2011 Motion to File Amicus/Non-Party Brief

Filed By: Robert Henak

Submit Date: 2-24-2011

Decision: (G) Grant

Decision Date: 4-12-2011

ORD that the motions are granted and the non-party briefs of WACDL and the Section are accepted for filing.

FRO that the petition for review is granted. Briefs/statements due 30/20/10.

FRO that the alternative petition for supervisory writ is dismissed as moot.

Comment: in support of PRE; Wisconsin Association of Criminal Defense Lawyers

OCCD SC 02-04-2011 Motion for Miscellaneous Relief

Filed By: Anne Kearney

Submit Date: 2-4-2011

Decision: (G) Grant

Decision Date: 2-7-2011

ORD that the motion is granted. The Appellate Practice Section of the State Bar of Wisconsin shall have until 2/24/11, to file a motion seeking leave to file a non-party brief.

Comment: Motion to extend time to seek leave to file nonparty brief

OCCD SC 01-31-2011 Letter/Correspondence
Comment: from Attorney Hanan, advising counsel for petitioner has been served with copy of motion for extension

OCCD SC 01-28-2011 Attorney Change
Comment: Added Attorney Beth Hanan, on behalf of Wisconsin Court of Appeals, per filing of MXT to file response to PRE and alternative writ

OCCD SC 01-28-2011 Motion for Miscellaneous Relief
Filed By: Beth Hanan
Submit Date: 1-31-2011
Decision: (G) Grant
Decision Date: 2-1-2011
ORD that the motion is granted. Plaintiff-respondent's response shall be served and filed on or before 2/18/11.
Comment: MXT to respond to PRE, or alternative Writ

OCCD SC 01-21-2011 Fee Waived
Comment: SPD

OCCD SC 01-21-2011 Petition for Review
Filed By: Joseph Ehmann
Submit Date: 2-24-2011
Decision: (G) Grant
Decision Date: 4-12-2011
ORD that the motions are granted and the non-party briefs of WACDL and the Section are accepted for filing.
FRO that the petition for review is granted. Briefs/statements due 30/20/10.
FRO that the alternative petition for supervisory writ is dismissed as moot.
Motion Response
Filed By: Beth Hanan
Submit Date: 2-24-2011
Comment: or, in the alternative, Petition for Supervisory Writ

OCCD SC 01-21-2011 Attorney Change
Comment: Added SPD Joseph Ehmann on behalf of appellant per call indicating attempting to e-file PRE

OCCD CA 12-22-2010 Opinion/Decision
Judge Panel: Anderson, Brown, Neubauer
Opinion: Summary Disposition
Decision: Affirmed Pages: 4
Order Text: IT IS ORDERED that the judgment and order are summarily affirmed pursuant to WIS. STAT. RULE 809.21.
IT IS FURTHER ORDERED that for a violation of WIS. STAT. RULE 809.19(2)(a), the Office of the State Public Defender shall pay a \$150 penalty within thirty days of the date of this decision. RULE 809.83(2).

OCCD CA 12-02-2010 Submitted on Briefs

OCCD CA	09-14-2010	Briefs Received At State Law Library
OCCD CA	08-27-2010	Record and Briefs Sent to District 2
OCCD CA	08-26-2010	Reply Brief Reply Brief
	Filed By: Devon Lee	
OCCD CA	08-11-2010	Brief of Respondent(s) Brief of Respondent
	Filed By: Mark Neuser	
OCCD CA	08-05-2010	Motion to Extend Time
	Filed By: Mark Neuser Submit Date: 8-5-2010 Decision: (G) Grant Decision Date: 8-9-2010 ORD that the time for the respondent to file its brief is extended to August 13, 2010. See WIS. STAT. RULE 809.82(2)(a). See BRS event due on 8-13-2010	
OCCD CA	07-06-2010	Motion to Extend Time
	Filed By: Mark Neuser Submit Date: 7-6-2010 Decision: (G) Grant Decision Date: 7-8-2010 ORD that the time for the respondent to file its brief is extended to 8/5/10. See Wis. Stat. Rule 809.82(2)(a). See BRS event due on 8-5-2010	
OCCD CA	06-02-2010	Motion to Extend Time
	Filed By: Mark Neuser Submit Date: 6-2-2010 Decision: (G) Grant Decision Date: 6-4-2010 ORD that the time for the respondent to file its respondent's brief is extended to July 6, 2010. See WIS. STAT. RULE 809.82(2)(a). See BRS event due on 7-6-2010	
OCCD CA	05-20-2010	Attorney Change
OCCD CA	05-04-2010	Brief & Appendix of Appellant(s) Appendix-Brief of Appellant Brief of Appellant
	Filed By: Devon Lee	
OCCD CA	03-31-2010	Supplement to Record

WSCCA Case History

OCCD CA	03-25-2010	Record
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OCCD CA	03-02-2010	Notice of Reporter RE: Filing of Transcript(s) Court Reporter Name: (Techert, Margaret)
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OCCD CA	02-26-2010	Transcript filed in Circuit Court
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OCCD CA	02-12-2010	Notif. Sent-Filing of NAP & Ct. Record
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OCCD CA	02-12-2010	Fee Waived
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OCCD CA	02-12-2010	Notice of Appeal & Circuit Court Docket Entries
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OCCD CA	02-12-2010	X Transfer
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OCCD CA	02-10-2010	Statement on Transcript Filed By: Devon Lee Status: Ordered
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OCCD CA	02-08-2010	Notice of Appeal filed in Circuit Court
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OCCD CA	02-04-2010	State Public Defender Order Appointing Counsel
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OCCD CA	01-29-2010	Order of Circuit Court
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OCCD CA	08-21-2009	State Public Defender Order Appointing Counsel
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OCCD CA	07-31-2009	Miscellaneous Motion on XX-Case Filed By: Gregory Nielsen Submit Date: 7-31-2009 Decision: (G) Grant Decision Date: 8-3-2009 ORD that the time for appointing counsel and requesting transcripts and a copy of the circuit court case record under WIS. STAT. RULE 809.30(2) is extended to August 28, 2009. See WIS. STAT. RULE 809.82(2)(a) (2007-08).
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OCCD CA	04-21-2009	Judgment of Circuit Court
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