

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. David McAlister, Sr.**

**Appeal Number 2014AP002561**

Supreme Court

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	01-14-2019		Letter/Correspondence Comment: From US Supreme Court; advising petition for writ of certiorari is denied. 1/7/19

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OCCD	SC	07-19-2018		Remittitur
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OCCD	SC	05-04-2018		Motion for Reconsideration Filed By: Robert Henak Submit Date: 5-17-2018 Decision: (D) Deny Decision Date: 6-14-2018 ORD that the motion is denied. No costs. Motion Response Filed By: Scott Rosenow Submit Date: 5-17-2018
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OCCD	SC	04-17-2018		Published Opinion Citation 911 N.W.2d 77
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OCCD	SC	04-17-2018		Published Opinion Citation 380 Wis. 2d 684
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OCCD	SC	04-17-2018		<a href="#">Opinion/Decision</a> Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Gableman, Bradley, Kelly Opinion: Opinion Decision: Affirmed Pages: 29 Written by: Roggensack, Patience Drake Abrahamson, Shirley S. Joined Dissenting Opinion Bradley, Ann Walsh Wrote Dissenting Opinion 9 pages. Kelly, Daniel Wrote Concurring Opinion 3 pages. Order Text: The decision of the court of appeals is affirmed. Comment: Opinion/Decision
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OCCD	SC	04-13-2018		Public Domain Citation Comment: PDC No: 2018 WI 34
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OCCD SC	01-11-2018	Oral Argument Comment: at 1:30, p.m.; Robert Henak for Def-App-Pet; Scott Rosenow for Pla-Resp
OCCD SC	01-10-2018	Briefs Received At State Law Library
OCCD SC	12-28-2017	Certificate of Filing by Mail Comment: BR3-IB 12/26/17
OCCD SC	12-28-2017	Reply Brief-Supreme Court <a href="#">Reply Brief-Supreme Court</a> Filed By: Robert Henak
OCCD SC	12-20-2017	Briefs Received At State Law Library
OCCD SC	12-11-2017	Response Brief-Supreme Court <a href="#">Response Brief-Supreme Court</a> Filed By: Scott Rosenow
OCCD SC	12-08-2017	Briefs Received At State Law Library
OCCD SC	10-30-2017	Assigned for Oral Argument
OCCD SC	10-30-2017	Letter/Correspondence Comment: From Attorney Robert R. Henak regarding COM for BR1.
OCCD SC	10-24-2017	Motion to Extend Time Filed By: Scott Rosenow Submit Date: 10-24-2017 Decision: (G) Grant Decision Date: 10-25-2017 ORD that the motion is granted. The response brief of the State shall be served and filed on or before December 11, 2017. See BR2 event due on 12-11-2017
OCCD SC	10-20-2017	Certificate of Filing by Mail Comment: IB- 10/18/2017
OCCD SC	10-20-2017	First Brief-Supreme Court <a href="#">First Brief-Supreme Court</a> Filed By: Robert Henak
OCCD SC	10-16-2017	Response Comment: 10 additional CA briefs for SC use; Per 10/10/17 order, additional copies of defendant-appellant-petitioner CA briefs due 10/18/17

OCCD SC	10-10-2017	Motion to Extend Time
<p>Filed By: Robert Henak  Submit Date: 10-10-2017  Decision: (G) Grant  Decision Date: 10-10-2017  ORD that the motion is granted. The opening brief of defendant-appellant-petitioner, David McAlister, Sr., shall be served and filed on or before October 18, 2017. Defendant-appellant-petitioner may also file with this court the required number of copies of his briefs filed in the court of appeals on or before October 18, 2017.  See BR1 event due on 10-18-2017</p>		
OCCD SC	09-11-2017	Caption Amended
OCCD SC	09-11-2017	Court Changed to Supreme Court
OCCD CA	06-15-2017	Attorney Change
<p>Comment: AAG Rosenow for State per letter of appearance.</p>		
OCCD SC	06-12-2017	Order
<p>ORD that the plaintiff-respondent, State of Wisconsin, is directed to file a response to the petition for review on or before 6/27/17.  See PRE event filed on 3-31-2017</p>		
OCCD SC	04-05-2017	Letter/Correspondence
<p>Comment: no response to PRE will be filed unless ordered by the court. AAG Noet.</p>		
OCCD SC	04-03-2017	Fee Waived
OCCD SC	03-31-2017	Indigency Forms/Motion Filed Pro Se
<p>Filed By: David McAlister  Submit Date: 3-31-2017  Decision: (G) Grant  Decision Date: 4-3-2017  Filing fee waived.</p>		
OCCD SC	03-31-2017	Petition for Review
<p>Filed By: Robert Henak  Submit Date: 4-5-2017  Decision: (G) Grant  Decision Date: 9-11-2017  ORD that the petition for review is granted and that pursuant to Wis. Stat. (Rule) 809.62(6), the defendant-appellant-petitioner may not raise or argue issues not set forth in the petition for review unless otherwise ordered by the court; 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;</p>		

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 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 courts with 10 copies of the brief previously filed on behalf of that party in the court of appeals; 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.

Motion Response

Filed By: Scott Rosenow

Submit Date: 6-27-2017

This motion contains court order(s).

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OCCD CA 08-22-2016 Motion for Reconsideration  
Filed By: Robert Henak  
Submit Date: 8-22-2016  
Decision: (D) Deny  
Decision Date: 3-3-2017  
ORD that the request for reconsideration is denied. Wis. Stat. Rule 809.24(2)

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OCCD CA 08-22-2016 Attorney Change  
Comment: Attorney Robert R. Henak appears, pro bono, on behalf of appellant

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OCCD CA 08-10-2016 [Opinion/Decision](#)  
Judge Panel: Gundrum, Hagedorn, Reilly  
Opinion: Summary Disposition  
Decision: Affirmed Pages: 5  
Order Text: IT IS ORDERED that the order of the circuit court is summarily affirmed. WIS. STAT. RULE 809.21.

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OCCD CA 11-10-2015 Submitted on Briefs

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OCCD CA 09-30-2015 Briefs Received At State Law Library  
Comment: Not retained at law library

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OCCD CA 09-16-2015 Record and Briefs Sent to District 2

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OCCD CA 09-09-2015 [Reply Brief](#)  
[Reply Brief](#)  
Filed By: David McAlister  
Comment: Reply Brief

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OCCD CA 08-20-2015 [Brief of Respondent\(s\)](#)  
[Brief of Respondent](#)  
Filed By: Nancy Noet

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OCCD CA 08-06-2015 Motion to Extend Time  
Filed By: Nancy Noet  
Submit Date: 8-7-2015  
Decision: (G) Grant  
Decision Date: 8-10-2015  
ORD that the time for the respondent to file its respondent's brief is extended to 8/21/15. See Wis. Stat. Rule 809.82(2)(a).  
See BRS event due on 8-21-2015

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OCCD CA 07-22-2015 Motion to Extend Time  
Filed By: Nancy Noet  
Submit Date: 7-23-2015  
Decision: (G) Grant  
Decision Date: 7-24-2015  
ORD that the time for the respondent to file its brief is extended to August 6, 2015. See Wis. Stat. Rule 809.82(2)(a).  
See BRS event due on 8-6-2015

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OCCD CA 06-22-2015 Motion to Extend Time  
Filed By: Nancy Noet  
Submit Date: 6-23-2015  
Decision: (G) Grant  
Decision Date: 6-24-2015  
ORD that the time for the respondent to file its brief is extended to 7/22/15. See Wis. Stat. Rule 809.82(2)(a).  
See BRS event due on 7-22-2015

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OCCD CA 05-29-2015 Attorney Change  
Comment: AAG Nancy A. Noet for State per letter notice of appearance

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OCCD CA 05-20-2015 [Brief & Appendix of Appellant\(s\)](#)  
[Brief of Appellant\(s\)](#)  
Filed By: David McAlister  
Comment: Brief of Appellant(s) Appx to Brief of Appellant(s)

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OCCD CA 04-17-2015 Motion to Extend Time  
Filed By: David McAlister  
Submit Date: 4-17-2015  
Decision: (G) Grant  
Decision Date: 4-20-2015  
ORD that the time for the appellant to file his appellant's brief is extended to 5/20/15. See Wis. Stat. Rule 809.82(2)(a).  
See BAP event due on 5-20-2015

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OCCD CA 03-10-2015 Record  
Comment: 1-5 to 77-1, Separate Box

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OCCD CA 02-19-2015 Notice of Reporter RE: Filing of Transcript(s)

OCCD CA 02-17-2015 Transcript filed in Circuit Court

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OCCD CA 01-26-2015 Motion for Miscellaneous Relief  
Filed By: David McAlister  
Submit Date: 1-26-2015  
Decision: (D) Deny  
Decision Date: 1-29-2015  
ORD that the motion for an extension of time to file the appellant's brief is denied as unnecessary.  
Comment: ext. time (file brief?)

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OCCD CA 01-26-2015 Statement on Transcript  
Filed By: David  
Status McAlister: Ordered  
Comment: 10/31/14 received uncertified SRT; letter sent requiring certified SRT by 11/25/14; 12/1/14 received copy of letter from TC to appellant advising arrangements must be made with CR directly

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OCCD CA 12-15-2014 Motion to Extend Time  
Filed By: David McAlister  
Submit Date: 12-15-2014  
Decision: (G) Grant  
Decision Date: 12-16-2014  
ORD that the appellant shall file a statement on transcript no later than January 20, 2015. See Wis. Stat. Rule 809.82(2)(a) (2011-12).  
See SRT event due on 1-20-2015

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OCCD CA 12-11-2014 Delinquent  
Comment: New due date of connected SRT: 12-18-2014

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OCCD CA 12-01-2014 Letter/Correspondence  
Comment: copy; from TC to appellant advising he must make arrangements for preparation and filing of transcript with court reporter directly

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OCCD CA 11-26-2014 Letter/Correspondence  
Comment: from appellant enclosing copy of letter sent to TC along with statement on transcript form for completion

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OCCD CA 11-05-2014 Notif. Sent-Filing of NAP & Ct. Record

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OCCD CA 11-05-2014 Rules of Appellate Procedure and Pro Se Guide Sent

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OCCD CA 11-05-2014 Notice of Appeal & Circuit Court Docket Entries

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OCCD CA 11-03-2014 Notice of Appeal filed in Circuit Court

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OCCD CA 10-31-2014 Indigency Forms/Motion Filed Pro Se

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WSCCA Case History

Filed By: David McAlister  
Submit Date: 11-5-2014  
Decision: (G) Grant  
Decision Date: 11-5-2014  
ORD filing fee waived.

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OCCD CA 10-10-2014

Order of Circuit Court

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