

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Michael R. Griep

Appeal Number 2009AP003073 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	01-19-2016		Letter/Correspondence Comment: from U.S. Supreme Court advising writ of cert denied 1/11/16
OCCD	SC	07-31-2015		Letter/Correspondence Comment: from U.S. Supreme Court; writ of cert filed; No. 15-126
OCCD	SC	06-03-2015		Remittitur
OCCD	SC	04-23-2015		Cites 361 Wis. 2d 657
OCCD	SC	04-23-2015		Cites 863 N.W.2d 567
OCCD	SC	04-23-2015		Opinion/Decision Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman Opinion: Opinion Decision: Affirmed Pages: 36 Written by: Roggensack, Patience Drake Abrahamson, Shirley S. Wrote Concurring Opinion 19 pages. Bradley, Ann Walsh Joined Concurring Opinion Order Text: The decision of the court of appeals is affirmed. David. T. Prosser, J., withdrew from participation
OCCD	SC	04-22-2015		Public Domain Citation Comment: PDC No: 2015 WI 40
OCCD	SC	03-02-2015		Letter/Correspondence Comment: from J. Prosser, advising he is withdrawing from the case
OCCD	SC	02-27-2015		Letter/Correspondence Comment: copy; from Attorney David V. Meany, Division of Legal Services DOJ, to Attorney Bushnell

OCCD SC	01-21-2015	Briefs Received At State Law Library
OCCD SC	11-12-2014	Oral Argument Comment: 1st case, 9:45 a.m., Trisha Bushnell for Def/App/Pet; Michael C. Sanders for Pla/Resp
OCCD SC	11-10-2014	Letter/Correspondence Comment: from State expressing concern that the non-party briefs raise new issues; will be prepared to argue issues but requests opportunity to file brief responding to arguments raised
OCCD SC	11-07-2014	Brief of Amicus Curiae Brief of Amicus Curiae Wisconsin State Public Defender Filed By: Jefren Olsen Comment: Wisconsin State Public Defender
OCCD SC	11-04-2014	Briefs Received At State Law Library
OCCD SC	11-03-2014	Reply Brief-Supreme Court Reply Brief-Supreme Court Filed By: Tricia Bushnell
OCCD SC	10-31-2014	Motion to File Amicus/Non-Party Brief Filed By: Jefren Olsen Submit Date: 10-31-2014 Decision: (G) Grant Decision Date: 10-31-2014 ORD that the motion is granted. Twenty-two copies of the brief shall be filed on or before 11/7/14. Comment: State Public Defender's Office
OCCD SC	10-30-2014	Brief of Amicus Curiae Brief of Amicus Curiae The Innocence Network Filed By: Keith Findley Comment: The Innocence Network
OCCD SC	10-30-2014	Motion to File Amicus/Non-Party Brief Filed By: Keith Findley Submit Date: 10-30-2014 Decision: (G) Grant Decision Date: 10-31-2014 ORD that the motion is granted and the brief is accepted for filing. Comment: The Innocence Network
OCCD SC	10-28-2014	Briefs Received At State Law Library
OCCD SC	10-17-2014	Response Brief-Supreme Court Response Brief-Supreme Court Filed By: Michael Sanders

OCCD SC	10-13-2014	Briefs Received At State Law Library
OCCD SC	10-01-2014	Motion to Extend Time
<p>Filed By: Michael Sanders Submit Date: 10-2-2014 Decision: (G) Grant Decision Date: 10-2-2014 ORD that the motion is granted. Plaintiff-respondent shall serve and file a response brief on or before October 17, 2014. No further extensions of time will be granted to this party. See BR2 event due on 10-17-2014</p>		
OCCD SC	09-17-2014	Assigned-Oral Argument
OCCD SC	09-15-2014	First Brief-Supreme Court First Brief-Supreme Court
<p>Filed By: Tricia Bushnell Comment: Appx to First Brief-Supreme Court</p>		
OCCD SC	09-11-2014	Response
<p>Comment: 10/17 copies of CA briefs for SC use received</p>		
OCCD SC	09-03-2014	Motion to Extend Time
<p>Filed By: Tricia Bushnell Submit Date: 9-3-2014 Decision: (G) Grant Decision Date: 9-3-2014 ORD that the motion is granted in part. Defendant-appellant-petitioner's brief shall be served and filed on or before 9/15/14. No further extensions of time will be granted to this party. See BR1 event due on 9-15-2014</p>		
OCCD SC	08-05-2014	Caption Amended
OCCD SC	08-05-2014	Court Changed to Supreme Court
OCCD CA	04-07-2014	Final Publication
OCCD CA	03-26-2014	Cites
<p>353 Wis. 2d 252</p>		
OCCD CA	03-26-2014	Cites
<p>845 N.W.2d 24</p>		
OCCD CA	03-26-2014	Opinion Ordered Published
OCCD CA	03-26-2014	Public Domain Citation

OCCD SC 03-21-2014 Fee Paid
Comment: Receipt No: 14R 000790

OCCD SC 03-21-2014 Petition for Review
Filed By: Tricia Bushnell
Submit Date: 4-4-2014
Decision: (G) Grant
Decision Date: 8-5-2014
ORD that the petition for review is granted. Briefs/statements 30/20/10.
Motion Response
Filed By: Michael Sanders
Submit Date: 4-4-2014

OCCD CA 02-19-2014 [Opinion/Decision](#)
Judge Panel: Brown, Neubauer, Reilly
Opinion: Opinion
Decision: Affirmed Pages: 12
Written by: Brown, Richard S.
Order Text: Judgment affirmed.

OCCD CA 12-19-2013 Submitted on Briefs

OCCD CA 11-25-2013 Letter/Correspondence
Comment: Atty. Bushnell advises address will change as of 12/5/13: Midwest Innocence Project, 605 W. 47th. St., Ste. 222, Kansas City, MO 64112

OCCD CA 11-25-2013 Letter/Correspondence
Comment: from Attorney Bushnell, enclosing copy of supplemental letter brief filed in Supreme Court on 7/30/13, requesting brief be provided to CA for review

OCCD CA 11-20-2013 Hold Status

OCCD SC 07-30-2013 Response
Comment: simultaneous letters/briefs by 7/30/13 discussing the impact of the Deadwiller case, if any, on the issue raised in the certification; 7/30/13 rcvd. letter briefs from parties - jrw

OCCD SC 07-16-2013 Court Order
ORD that the parties file simultaneous letters/briefs by 7/30/13 discussing the impact of the Deadwiller case, if any, on the issue raised in the certification.
See CRT event filed on 5-15-2013

OCCD SC 06-14-2013 Court Order
ORD the certification shall be held in abeyance pending this court's disposition of Case No. 2010AP2363-CR, State v. Deadwiller (oral argument heard on April 10, 2013).

OCCD SC 05-15-2013

Certification Filed

Filed By: Unassigned District 2

Submit Date: 5-16-2013

Decision: (D) Deny

Decision Date: 11-20-2013

ORD the certification is refused.

Abrahamson, C.J., and Bradley, J., dissent and also would have the court state its reasons for refusing certification.

Motion Response

Filed By: Michael Sanders

Submit Date: 7-31-2013

Motion Response

Filed By: Tricia Bushnell

Submit Date: 7-31-2013

See DEC event filed on 5-15-2013

This motion contains court order(s).

OCCD CA 05-15-2013

[Opinion/Decision](#)

Judge Panel: Brown, Neubauer, Reilly

Opinion: Certification

Decision: Certification Filed Pages: 7

Order Text: This case requires resolution of alternate interpretations of what the law is going to be in Wisconsin regarding confrontation clause challenges as they apply to Wisconsin lab test results where a surrogate is the expert that testifies.

OCCD CA 04-10-2013

Submitted on Briefs

OCCD CA 04-03-2013

Briefs Received At State Law Library

Comment: Supplemental Briefs

OCCD CA 03-20-2013

Other Brief
[Supplemental Brief of Respondent](#)

Filed By: Michael Sanders

Comment: Supplemental Brief of Respondent: Received 10 copies of BOT for SC use.PS 8-26-14

OCCD CA 02-18-2013

Motion for Stay

Filed By: Michael Sanders

Submit Date: 2-19-2013

Decision: (D) Deny

Decision Date: 3-5-2013

ORD that the respondent's motion to stay supplemental briefing in this case is denied.

FRO that the time for filing the respondent's brief is extended to 3/20/13.

Comment: briefing, or in the alternative, extend time to file supplemental BRS

OCCD CA 02-05-2013

Motion to Extend Time

Filed By: Michael Sanders

Submit Date: 2-6-2013

Decision: (G) Grant

Decision Date: 2-7-2013

ORD that the time for the respondent to file its supplemental respondent's brief is extended to 2/20/13.

See Wis. Stat. Rule 809.82(2)(a).
See BOT event due on 2-20-2013

OCCD CA 01-18-2013 Motion to Extend Time
Filed By: Michael Sanders
Submit Date: 1-22-2013
Decision: (G) Grant
Decision Date: 1-23-2013
ORD that the time for the respondent to file its supplemental respondent's brief is extended to 2/5/13.
See Wis. Stat. Rule 809.82(2)(a).
See BOT event due on 2-5-2013

OCCD CA 12-19-2012 Motion to Extend Time
Filed By: Michael Sanders
Submit Date: 12-21-2012
Decision: (G) Grant
Decision Date: 12-26-2012
ORD that the time for the respondent to file its supplemental respondent's brief is extended to January 21, 2013. See Wis. Stat. Rule 809.82(2)(a).
See BOT event due on 1-21-2013

OCCD CA 12-06-2012 Attorney Change
Comment: AAG Sanders appears for State per ltr. of representation

OCCD CA 11-21-2012 Other Brief
[Supplemental Brief of Appellant](#)
Filed By: Peter Moreno
Comment: Supplemental Brief of Appellant. Received 10 copies of BOT for SC use.SLS 8-29-14

OCCD CA 11-07-2012 Motion to Extend Time
Filed By: Tricia Bushnell
Submit Date: 11-7-2012
Decision: (G) Grant
Decision Date: 11-12-2012
ORD that the time for the appellant to file the appellant's supplemental brief is extended to November 21, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).
See BOT event due on 11-21-2012

OCCD CA 09-28-2012 Court Order
ORD that the appellant's supplemental appellant's brief shall be filed pursuant to Wis. Stat. rule 809.19(2009-10) within forty days of the date of this order.
FRO that the State's supplemental respondent's brief shall be filed pursuant to Wis. Stat. Rule 809.19.

OCCD CA 06-23-2011 Hold Status

OCCD CA 10-14-2010 Court Order
ORD that the appeal is held in abeyance pending a decision by the United States Supreme Court in *Bullcoming v. New Mexico*, 2010 WL 2008002, cert. granted (U.S. Sept. 28, 2010) (No. 09-10876).

OCCD CA	09-29-2010	Court Order for 3-Judge Panel
OCCD CA	09-28-2010	Attorney Change
OCCD CA	09-27-2010	Briefs Received At State Law Library
OCCD CA	09-17-2010	Submitted on Briefs
OCCD CA	09-16-2010	Record and Briefs Sent to District 2
OCCD CA	08-24-2010	Certificate of Filing by Mail
OCCD CA	08-20-2010	Brief of Respondent(s) Brief of Respondent Filed By: Adam Levin
OCCD CA	08-13-2010	Motion to Extend Time Filed By: Adam Levin Submit Date: 8-16-2010 Decision: (G) Grant Decision Date: 8-17-2010 ORD that the time for the respondent to file its respondent's brief is extended to 8/27/10. See Wis. Stat. Rule 809.82(2)(a) (2007-08). See BRS event due on 8-27-2010
OCCD CA	07-29-2010	Delinquent
OCCD CA	06-08-2010	Brief & Appx of Appellant(s) Brief of Appellant Filed By: Michael Griep
OCCD CA	05-27-2010	Motion to Waive Filing Requirements Filed By: Michael Griep Submit Date: 5-27-2010 Decision: (G) Grant Decision Date: 6-1-2010 ORD that the appellant is required to file only three copies of his appellant's brief and appendix and serve one copy on the respondent; the colored cover requirement for the appellant's brief and appendix is waived. FRO that the time for filing the appellant's brief and appendix is extended to 6/8/10; the appellant shall complete the filing of this appellant's brief and appendix by submitting two additional copies of the brief and appendix and confirming that one copy has been served on the respondent or the appeal will be dismissed pursuant to Wis. Stat. Rule 809.83(2).
OCCD CA	04-21-2010	Motion for Miscellaneous Relief

Filed By: Michael Griep
Submit Date: 4-21-2010
Decision: (G) Grant
Decision Date: 4-23-2010

ORD that the time for the appellant to file his appellant's brief is extended to 6/1/10. See Wis. Stat. Rule 809.82(2)(a).

OCCD CA 04-07-2010 Sua Sponte

Filed By: Unassigned District 2
Submit Date: 4-7-2010
Decision: (O) Other
Decision Date: 4-15-2010

ORD that Griep's appellant's brief and appendix must be filed on or before 4/30/10. Failure to file the brief and appendix, or a motion for an extension of time setting forth good cause for an extension, will result in dismissal of the appeal. See Wis. Stat. Rule 809.83(2).

OCCD CA 03-30-2010 Sua Sponte

Filed By: Unassigned District 2
Submit Date: 3-30-2010
Decision: (O) Other
Decision Date: 3-31-2010

ORD that the motion to withdraw as counsel filed by Attorney Andrew Mishlove is granted.
FRO that the time permitted Griep for filing an appellant's brief and appendix is extended to 4/30/10.
See Wis. Stat. Rule 809.82(2)(a).

OCCD CA 03-02-2010 Court Order

ORD that if Griep does not respond to Attorney Mishlove's motion to withdraw as counsel by 3/15/10, or if he files a response that fails to provide a basis for denying counsel's motion, Attorney Mishlove's motion to withdraw as counsel will be granted.
See MWC event filed on 3-1-2010

OCCD CA 03-01-2010 03-15-2010 Motion to Withdraw as Counsel

Filed By: Andrew Mishlove
Submit Date: 3-1-2010
Decision: (G) Grant
Decision Date: 3-31-2010

ORD that the motion to withdraw as counsel filed by Attorney Andrew Mishlove is granted.
FRO that the time permitted Griep for filing an appellant's brief and appendix is extended to 4/30/10.
See Wis. Stat. Rule 809.82(2)(a).
This motion contains court order(s).

OCCD CA 01-19-2010 Record

OCCD CA 12-30-2009 Statement on Transcript

Filed By: Andrew Mishlove
Status: Prev. Filed

OCCD CA 12-22-2009 Docketing Statement from Appellant

OCCD CA 12-14-2009 Notif. Sent-Filing of NAP & Ct. Record

WSCCA Case History

OCCD	CA	12-14-2009	Fee Paid
OCCD	CA	12-14-2009	Notice of Appeal & Circuit Court Docket Entries
OCCD	CA	12-07-2009	Notice of Appeal filed in Cir. Ct.
OCCD	CA	07-29-2009	Judgment of Circuit Court