

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. Tramell E. Starks**

**Appeal Number 2010AP000425**

**Supreme Court**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	04-02-2018		Letter/Correspondence Comment: From Chase Boruch, dated 3/30/18, seeking cost for copy service of SC-MRC; one-time courtesy copy sent 4/6/18 w/letter indicating cost for future copy service is 40 cents/page per 809.25(2).
OCCD	SC	03-27-2015		Letter/Correspondence Comment: From U.S. Supreme Court: petition for writ of certiorari denied 3/23/15
OCCD	SC	11-11-2014		Letter/Correspondence Comment: From U.S. Supreme Court: petition for writ of certiorari filed 10/21/14, docketed 11/4/14 as case no. 14-7004
OCCD	SC	08-28-2014		Remittitur
OCCD	SC	07-24-2014		Cites 357 Wis. 2d 142
OCCD	SC	07-24-2014		Cites 849 N.W.2d 724
OCCD	SC	07-23-2014		Public Domain Citation Comment: PDC No: 2014 WI 91
OCCD	SC	07-31-2013		Motion for Reconsideration Filed By: Robert Henak Submit Date: 7-31-2013 Decision: (D) Deny Decision Date: 7-24-2014 IT IS ORDERED the Motion for Reconsideration is denied, without costs. Abrahamson, C.J. wrote concurring order; Prosser, J., wrote concurring order; Bradley, J., joins concurring order.
OCCD	SC	07-31-2013		Attorney Change

OCCD SC 07-30-2013 Motion for Reconsideration  
Filed By: Sarah Larson  
Submit Date: 8-16-2013  
Decision: (D) Deny  
Decision Date: 7-24-2014  
IT IS ORDERED the Motion for Reconsideration is denied, without costs. Abrahamson, C.J. wrote concurring order; Prosser, J., wrote concurring order; Bradley, J., joins concurring order.  
Comment: State

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OCCD SC 07-12-2013 Cites  
349 Wis. 2d 274

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OCCD SC 07-12-2013 Cites  
833 N.W.2d 146

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OCCD SC 07-12-2013 [Opinion/Decision](#)  
Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman  
Opinion: Opinion  
Decision: Affirmed Pages: 41  
Written by: Gableman, Michael J.  
Abrahamson, Shirley S. Joined Dissenting Opinion  
Crooks, N. Patrick Joined Dissenting Opinion  
Bradley, Ann Walsh Wrote Dissenting Opinion 12 pages.  
Order Text: The decision of the court of appeals is affirmed.

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OCCD SC 07-11-2013 Public Domain Citation  
Comment: PDC No: 2013 WI 69

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OCCD SC 01-09-2013 Oral Argument  
Comment: Atty Tricia Bushnell for Def.-App.-Pet.; AAG Sarah Larson for Pla.-Res.

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OCCD SC 12-14-2012 Briefs Received At State Law Library

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OCCD SC 12-06-2012 [Reply Brief-Supreme Court](#)  
[Reply Brief-Supreme Court](#)  
Filed By: Tricia Bushnell

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OCCD SC 12-05-2012 Briefs Received At State Law Library

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OCCD SC 12-05-2012 [Brief of Amicus Curiae](#)  
[Brief of Amicus Curiae of WI Assn. of Criminal Defense Lawyers](#)  
Filed By: Robert Henak  
Comment: WI Assn of Criminal Defense Lawyers

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OCCD SC	12-04-2012	Motion to File Amicus/Non-Party Brief
Filed By: Robert Henak Submit Date: 12-4-2012 Decision: (G) Grant Decision Date: 12-5-2012 IT IS ORDERED the motion is granted and the brief is accepted for filing. Comment: WI Assn of Criminal Defense Lawyers		
OCCD SC	12-03-2012	Briefs Received At State Law Library
OCCD SC	11-21-2012	Response Brief-Supreme Court <a href="#">Response Brief-Supreme Court</a>
Filed By: Sarah Larson		
OCCD SC	11-15-2012	Assigned-Oral Argument
OCCD SC	10-22-2012	Briefs Received At State Law Library
OCCD SC	10-16-2012	Letter/Correspondence
Comment: To all counsel from Clerk's Office notifying of OA removal from December calendar (copy of revised December OA calendar enclosed).		
OCCD SC	10-05-2012	Motion to Extend Time
Filed By: Sarah Larson Submit Date: 10-8-2012 Decision: (G) Grant Decision Date: 10-8-2012 IT IS ORDERED that the motion is granted. Plaintiff-respondent-respondent's response brief shall be served and filed on or before November 21, 2012. No further extensions of time will be granted to this party. See BR2 event due on 11-21-2012		
OCCD SC	10-04-2012	First Brief-Supreme Court <a href="#">First Brief-Supreme Court</a>
Filed By: Tricia Bushnell Comment: Separate Appendix		
OCCD SC	09-12-2012	Response Comment: (10 extra copies of Court of Appeals briefs for Supreme Court)
OCCD SC	08-07-2012	Motion to Extend Time
Filed By: Tricia Bushnell Submit Date: 8-7-2012 Decision: (G) Grant Decision Date: 8-14-2012 ORD the motion for extension to file petitioner's brief is granted. Petitioner's brief shall be served and filed on or before 10/4/12. No further extensions of time will be granted to this party. See BR1 event due on 10-4-2012		

OCCD	SC	08-02-2012	Caption Amended
OCCD	SC	08-02-2012	Court Changed to Supreme Court
OCCD	SC	07-17-2012	Response Comment: Response from Atty to 06/21/12 letter; rcvd 7-17-12 from Atty. Tricia J. Bushnell letter acknowledging willingness to represent & statement from Defendant-Appellant accepting Atty. Bushnell as his Counsel
OCCD	SC	06-21-2012	Letter/Correspondence Comment: Rec'd Copy of Letter dated 06/21/12, sent from SC, M. Neuser to WI Innocence Project, Atty. T. Bushnell
OCCD	SC	06-21-2012	Letter/Correspondence Comment: Rec'd Copy of Letter dated 06/21/12, sent from SC, M. Neuser to Tramell E. Starks
OCCD	SC	06-08-2012	Motion to Withdraw as Counsel Filed By: Robert Henak Submit Date: 6-11-2012 Decision: (O) Other Decision Date: 8-2-2012 IT IS ORDERED that the "Contingent Motion to Withdraw" is hereby deemed withdrawn. Motion Response Filed By: Robert Henak Submit Date: 7-30-2012 Comment: For the WI Association of Criminal Defense Lawyers; 07/30/12, Rec'd letter requesting to withdraw motion
OCCD	SC	03-19-2012	Court Order IT IS ORDERED that, within 10 days of the date of this order, the State is directed to file a response to the following issue: Whether Stark's motion to vacate a DNA surcharge counts as a prior motion for purposes of the successive motion bar under Wis. Stat. 974.06(4) and State v. Escalona-Naranjo, 185 Wis. 2d 168, 517 N.W. 2d 157 (1994), addressing specifically the holdings in State v. Starks, No. 10AP425, unpublished slip op. (wis. Ct. App, June 14, 2011), State v. Matamoros, No. 09AP2982, unpublished slip op. (Wis. Ct. App, Dec. 21, 2010), and State v. Nickel, 2010 WI App 161, 330 Wis. 2d 750, 794 N. W. 2d 765.
OCCD	SC	02-03-2012	E-Filing Certification Comment: For Response to Amicus Brief in support of PRE
OCCD	SC	01-25-2012	Court Order IT IS ORDERED that the plaintiff-respondent, State of WI, is directed to file response to the WI Assn. of Criminal Defense Lawyers' amicus brief in support of the petition for review by 02/07/12.
OCCD	SC	09-26-2011	Brief of Amicus Curiae Filed By: Robert Henak Comment: WI Association of Criminal Defense Lawyers

OCCD SC	09-15-2011	Motion for Miscellaneous Relief
Filed By: Sarah Larson Submit Date: 9-15-2011 Decision: (G) Grant Decision Date: 9-20-2011 IT IS ORDERED the motion is granted. Nine copies of the brief shall be filed on or before 10/04/11. Comment: Motion of Wisconsin Association of Criminal Defense Lawyers for Leave to File Nonparty Brief in Support of Defendant-Appellant Petitioner.		
OCCD CA	07-26-2011	Cites
336 Wis. 2d 474		
OCCD CA	07-26-2011	Cites
801 N.W.2d 348		
OCCD CA	07-26-2011	Opinion Ordered Unpublished
OCCD SC	07-11-2011	Indig. Forms/Motion filed by pro se
Filed By: Tramell Starks Submit Date: 7-13-2011 Decision: (G) Grant Decision Date: 7-13-2011 IT IS ORDERED court, grants permission to proceed without payment of filing fee. This order only waives the filing fees in the S/C.		
OCCD SC	07-11-2011	Court Order
IT IS ORDERED that a statement in support of the petition, conforming to the requirements of Wis. Stat. Sections 809.62(2) and (4), must be filed by the defendant-appellant with the clerk of this court by September 12, 2011. If the statement is not filed by that time, this petition will be summarily dismissed. No further time extensions will be granted; IT IS FURTHER ORDERED that the plaintiff-respondent's, State of Wisconsin, response to the petition for review shall be filed within 14 days after service of the defendant-appellant's statement in support.		
OCCD SC	07-06-2011	Petition for Review
Filed By: Tramell Starks Submit Date: 9-12-2011 Decision: (G) Grant Decision Date: 8-2-2012 IT IS ORDERED that the petition for review is granted... Briefs/statements due 30/20/10... IT IS FURTHER ORDERED that Attorney Tricia J. Bushnell shall serve as counsel for defendant-appellant-petitioner, Tramell E. Starks. Attorney Bushnell's representation shall be on a pro bono basis and not subject to compensation under SCR ch. 81. The court notes that Tramell E. Starks has given his consent to be represented by Attorney Bushnell ... Motion Response Filed By: Tramell Starks Submit Date: 9-12-2011 Motion Response Filed By: Sarah Larson Submit Date: 9-12-2011 Motion Response		

Filed By: Sarah Larson

Submit Date: 9-28-2011

Motion Response

Filed By: Sarah Larson

Submit Date: 2-1-2012

Motion Response

Filed By: Sarah Larson

Submit Date: 3-28-2012

Comment: Statement in support due by 9/12/11 per 7/11/11 cto; Statement in support received 8/29/11, State's response due 9/12/11.' 9/28/11, State's letter response re: Amicus Brief; 02/01/12, Rec'd State's response to Amicus per 1/24/12 cto; 03/28/12, Rec'd State's response

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OCCD SC 07-06-2011

Motion for Miscellaneous Relief

Filed By: Tramell Starks

Submit Date: 7-6-2011

Decision: (D) Deny

Decision Date: 7-7-2011

IT IS ORDERED the motion is denied. The 30 day period in which to file a petition for review may not be enlarged. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N. W. 2d 704 (1979); IT IS FURTHER ORDERED the motion itself shall be deemed to be a timely petition for review. IT IS ORDERED the petition for review shall be held in abeyance pending action by the court of appeals on the motion for reconsideration. One the court of appeals has ruled on the motion for reconsideration, an order will be issued notifying the parties of the dates by which they will be required to make further filings. A date will be established by which defendant-appellant will be required to file a statement in support of the petition, conforming to the requirements of Wis. Stat. 809.62(2) and (4). A date will also be established for plaintiff-respondent, State of WI to file a response to the petition for review.

Comment: MXT/PRE

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OCCD CA 07-06-2011

Motion for Reconsideration

Filed By: Tramell Starks

Submit Date: 7-6-2011

Decision: (D) Deny

Decision Date: 7-8-2011

IT IS ORDERED the motion for reconsideration is denied.

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OCCD CA 06-14-2011

[Opinion/Decision](#)

Judge Panel: Curley, Fine, Brennan

Opinion: Per Curiam

Decision: Affirmed Pages: 4

Order Text: Order affirmed

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OCCD CA 04-07-2011

Submitted on Briefs

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OCCD CA 01-05-2011

Briefs Received At State Law Library

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OCCD CA 12-29-2010

Record and Briefs Sent to District 1

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OCCD CA 12-23-2010

Reply Brief

[Reply Brief](#)

Filed By: Tramell Starks

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OCCD CA	11-16-2010	Motion to Extend Time
Filed By: Tramell Starks Submit Date: 11-17-2010 Decision: (G) Grant Decision Date: 11-18-2010 IT IS ORDERED that the deadline for Starks to file his reply brief is extended to December 20, 2010. See BRY event due on 12-20-2010		
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OCCD CA	11-05-2010	Brief of Respondent(s) <a href="#">Brief of Respondent</a>
Filed By: Sarah Larson		
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OCCD CA	09-20-2010	Motion to Extend Time
Filed By: Sarah Larson Submit Date: 9-21-2010 Decision: (G) Grant Decision Date: 9-22-2010 IT IS ORDERED the deadline for the State to file the respondent's brief in this matter extended to 11/05/10. See BRS event due on 11-5-2010		
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OCCD CA	08-31-2010	Attorney Change
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OCCD CA	08-19-2010	Brief & Appx of Appellant(s) <a href="#">Brief of Appellant(s)</a>
Filed By: Tramell Starks		
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OCCD CA	07-22-2010	Motion to Extend Time
Filed By: Tramell Starks Submit Date: 7-23-2010 Decision: (G) Grant Decision Date: 7-26-2010 IT IS ORDERED the deadline for Starks to file his appellant's brief and appendix is extended to 09/02/10. Wis. Stat. Rule 809.82(2)(a) (2007-08). See BAP event due on 9-2-2010		
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OCCD CA	05-24-2010	Motion to Extend Time
Filed By: Tramell Starks Submit Date: 5-24-2010 Decision: (G) Grant Decision Date: 5-25-2010 IT IS ORDERED that the deadline for Starks to file his appellate brief and appendix is extended through August 2, 2010. See WIS. STAT. RULE 809.82(2)(a)(2007-08). See BAP event due on 8-2-2010		
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OCCD CA	04-07-2010	Motion to Extend Time
Filed By: Tramell Starks Submit Date: 4-7-2010 Decision: (G) Grant		

Decision Date: 4-8-2010

IT IS ORDERED that the deadline for Starks to file his brief is extended through June 1, 2010. See WIS. STAT. RULE 809.82(2)(a)(2007-08).

See BAP event due on 6-1-2010

OCCD CA	03-12-2010	Record
OCCD CA	02-19-2010	Letter/Correspondence
OCCD CA	02-17-2010	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	02-17-2010	RAP and Guide Sent
OCCD CA	02-17-2010	Indigency Forms Sent
	<p>Filed By: Unassigned District 1  Submit Date: 3-3-2010  Decision: (G) Grant  Decision Date: 3-3-2010  IT IS ORDERED court, grants permission to proceed without payment of filing fee. This order only waives the filing fees in the C/A.  Motion Response  Filed By: Tramell Starks  Submit Date: 3-3-2010</p>	
OCCD CA	02-16-2010	Notice of Appeal & Circuit Court Docket Entries
OCCD CA	02-10-2010	Notice of Appeal filed in Cir. Ct.
OCCD CA	02-09-2010	Statement on Transcript
	<p>Filed By: Tramell  Status Starks: Prev. Filed</p>	
OCCD CA	02-01-2010	Order of Circuit Court