

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. Samuel Curtis Johnson, III**

**Appeal Number 2011AP002864 - CRAC**

Supreme Court

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	04-28-2014		Remittitur
OCCD	SC	03-26-2014		Published Opinion Citation 846 N.W.2d 1
OCCD	SC	03-26-2014		Published Opinion Citation 353 Wis. 2d 119
OCCD	SC	03-26-2014		<a href="#">Opinion/Decision</a> Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman Opinion: Per Curiam Decision: Other Pages: 6 Abrahamson, Shirley S. Joined Concur/Dissent Opinion Bradley, Ann Walsh Wrote Concur/Dissent Opinion 9 pages. Prosser, David T. Jr. Took No Part Gableman, Michael J. Took No Part Order Text: The motion for reconsideration is granted.
OCCD	SC	03-25-2014		Public Domain Citation Comment: PDC No: 2014 WI 16
OCCD	SC	07-29-2013		Order ORD that the parties may file responses to the respective motions by 8/5/13. Prosser and Gableman, J.J., did not participate. See MRC event filed on 7-22-2013
OCCD	SC	07-29-2013		Letter/Correspondence Comment: from AAG Moeller requesting clarification on whether response to the motion for reconsideration may be filed; court order issued
OCCD	SC	07-22-2013		Motion for Reconsideration Filed By: Geoffrey Misfeldt

Submit Date: 8-7-2013  
Decision: (G) Grant  
Decision Date: 3-26-2014  
ORD the motion for reconsideration is granted.  
Motion Response  
Filed By: Marguerite Moeller  
Submit Date: 8-7-2013  
This motion contains court order(s).

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OCCD SC 07-22-2013 Motion for Reconsideration  
Filed By: Marguerite Moeller  
Submit Date: 8-7-2013  
Decision: (D) Deny  
Decision Date: 3-26-2014  
ORD the motion for reconsideration is denied.  
Comment: Alternatively, Clarification Regarding The Jury Instruction Issue

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OCCD SC 07-03-2013 Published Opinion Citation  
348 Wis. 2d 450

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OCCD SC 07-03-2013 Published Opinion Citation  
832 N.W.2d 609

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OCCD SC 07-03-2013 [Opinion/Decision](#)  
Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman  
Opinion: Per Curiam  
Decision: Remanded to Trial Court Pages: 5  
Prosser, David T. Jr. Took No Part  
Gableman, Michael J. Took No Part  
Order Text: The decision of the court of appeals is modified and affirmed and, as modified, the cause is remanded to the circuit court.

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OCCD SC 07-02-2013 Public Domain Citation  
Comment: PDC No: 2013 WI 59

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OCCD SC 02-25-2013 Oral Argument  
Comment: at 1:30 p.m. Marguerite M. Moeller atty for the Pla-App-Cross-Resp-Pet; Mark D. Richards atty for the Def-Resp-Cross-App

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OCCD SC 02-12-2013 Briefs Received At State Law Library

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OCCD SC 02-08-2013 Response  
Comment: 22 copies of amended table of contents (from Brief-in-Chief)

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OCCD SC 02-08-2013 [Brief of Amicus Curiae/Non-Party](#)  
[Brief of Amicus Curiae Wisconsin Coalition Against Sexual Assault](#)  
Filed By: Eric Wilson

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OCCD SC 02-07-2013 Briefs Received At State Law Library

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OCCD SC 02-06-2013 Sua Sponte

Filed By: Supreme Court Supreme Court

Submit Date: 2-6-2013

Decision: (O) Other

Decision Date: 2-7-2013

ORD that, within 7 days of the date of this order, the State shall file twenty-two copies of an amended table of contents.

Prosser and Gableman, J.J. did not participate.

Comment: errors in BR1 table of contents

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OCCD SC 02-06-2013 Letter/Correspondence

Comment: from AAG Moeller advising the table of contents does not accurately reflect the pages; requests court to advise if wants a new table of contents

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OCCD SC 02-05-2013 Reply Brief-Supreme Court  
[Reply Brief-Supreme Court](#)

Filed By: Marguerite Moeller

Comment: Appx to Reply Brief-Supreme Court

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OCCD SC 02-04-2013 Briefs Received At State Law Library

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OCCD SC 01-31-2013 Brief of Amicus Curiae/Non-Party  
[Brief of Amicus Curiae T. S.](#)

Filed By: Kathleen Quinn

Comment: T.S.

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OCCD SC 01-24-2013 Motion to File Amicus/Non-Party Brief

Filed By: Eric Wilson

Submit Date: 1-25-2013

Decision: (G) Grant

Decision Date: 1-25-2013

ORD that the motion is granted. Twenty-two copies of the brief shall be filed on or before 2/8/13.

Prosser and Gableman, J.J., did not participate.

Comment: Wisconsin Coalition Against Sexual Assault

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OCCD SC 01-22-2013 Response Brief-Supreme Court  
[Response Brief-Supreme Court](#)

Filed By: Craig Powell

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OCCD SC 01-15-2013 Motion to Extend Time

Filed By: Michael Hart

Submit Date: 1-16-2013

Decision: (G) Grant

Decision Date: 1-16-2013

ORD that the motion is granted. Defendant-appellant-cross appellant's response brief shall be served and filed on or before January 22, 2013. No further extensions of time will be granted to this party.

See BR2 event due on 1-22-2013

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OCCD SC 01-07-2013 Briefs Received At State Law Library

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OCCD SC 01-04-2013 Motion to Intervene

Filed By: Kathleen Quinn

Submit Date: 1-7-2013

Decision: (D) Deny

Decision Date: 1-14-2013

ORD that the motion is denied. T.S. may, however, file a non-party brief within two weeks of the date of this order. Wis. Stat. s. (Rule) 809.19(7).

Comment: Non-party/Complaining witness T.S.

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OCCD SC 12-28-2012 First Brief-Supreme Court  
[First Brief-Supreme Court](#)

Filed By: Marguerite Moeller

Comment: Appx to First Brief-Supreme Court

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OCCD SC 12-10-2012 Motion to Extend Time

Filed By: Marguerite Moeller

Submit Date: 12-11-2012

Decision: (G) Grant

Decision Date: 12-11-2012

ORD that the motion is granted in part. Plaintiff-appellant's first brief shall be served and filed on or before 12/28/12. No further extensions of time will be granted to this party.

See BR1 event filed on 12-28-2012

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OCCD SC 12-06-2012 Assigned for Oral Argument

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OCCD SC 11-15-2012 Attorney Change

Comment: AAG Marguerite M. Moeller for State per letter notice of appearance

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OCCD SC 11-14-2012 Court Changed to Supreme Court

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OCCD CA 05-31-2012 Published Opinion Citation  
815 N.W.2d 407

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OCCD CA 05-31-2012 Published Opinion Citation  
341 Wis. 2d 492

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OCCD CA 05-31-2012 Opinion Ordered Unpublished

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OCCD SC 05-30-2012 Letter/Correspondence

Comment: State advising 11AP2680-CR on hold pending resolutin of this case

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OCCD SC 05-17-2012 Petition for Review  
Filed By: 34776 (St. John, Rebecca)  
Submit Date: 6-1-2012  
Decision: (G) Grant  
Decision Date: 11-14-2012  
ORD petition for review granted. Briefs statements due 30/20/10.  
Prosser and Gableman, J.J., did not participate.  
Motion Response  
Filed By: Michael Hart  
Submit Date: 6-1-2012

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OCCD CA 04-26-2012 Briefs Received At State Law Library

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OCCD CA 04-23-2012 Motion for Relief  
Filed By: 34776 (St. John, Rebecca)  
Submit Date: 4-23-2012  
Decision: (G) Grant  
Decision Date: 4-23-2012  
ORD that upon the motion for an emergency stay, further circuit court proceedings are stayed until 5/18/12.  
Comment: Emergency Motion for Stay of Circuit Court Proceedings until Remittitur

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OCCD CA 04-18-2012 [Opinion/Decision](#)  
Judge Panel: Brown, Gundrum, Reilly  
Opinion: Opinion  
Decision: Affirmed/reversed/remanded Pages: 8  
Written by: Reilly, Paul F.  
Brown, Richard S. Wrote Dissenting Opinion 5 pages.  
Order Text: Order affirmed in part; reversed in part and cause remanded.

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OCCD CA 04-13-2012 Submitted on Briefs

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OCCD CA 04-10-2012 Record and Briefs Sent to District 2

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OCCD CA 04-10-2012 Certificate of Service  
Comment: BCY

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OCCD CA 04-10-2012 [Cross-Reply Brief](#)  
[Cross-Reply Brief](#)  
Filed By: Craig Powell  
Comment: Received 10 additional copies for SC use.

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OCCD CA 03-29-2012 [Reply and Cross-Respondent's Brief](#)  
[Reply and Cross-Respondent's Brief](#)  
Filed By: 34776 (St. John, Rebecca)  
Comment: RECD 10 addl copies of CA brief for Sc use 12-11-12.

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OCCD CA 03-23-2012 Certificate of Service  
Comment: BAM

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OCCD CA 03-23-2012 Certificate of Filing by Mail  
Comment: BAM

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OCCD CA 03-23-2012 [Brief of Amicus Curiae/Non-Party](#)  
[Brief of Amicus Curiae of Non-Party T.S.](#)  
Filed By: Kathleen Quinn  
Comment: T.S.

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OCCD CA 03-21-2012 Letter/Correspondence  
Comment: copy; AAG Rapp St. John to Judge Gasiorkiewicz

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OCCD CA 03-14-2012 Certificate of Service  
Comment: BRC

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OCCD CA 03-14-2012 [Brief of Respondent and Cross-Appellant](#)  
[Brief of Respondent and Cross-Appellant](#)  
Filed By: Geoffrey Misfeldt  
Comment: Received 10 additional copies of Brief for SC use 11/29/12

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OCCD CA 02-22-2012 [Brief & Appendix of Appellant\(s\)](#)  
[Brief of Appellant](#)  
Comment: Note that the caption has been corrected on brief. Please use the above caption on all future briefs. RECD 10 addl copies of CA brief for Sc use 12-11-12. Appx of Appellant(s)

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OCCD CA 02-17-2012 Motion to Intervene  
Filed By: Kathleen Quinn  
Submit Date: 3-1-2012  
Decision: (O) Other  
Decision Date: 3-7-2012  
ORD that the motion to intervene is denied.  
FRO that no later than 3/23/12, T.S. may file a Wis. Stat. Rule 809.19(7)(a) non-party brief.  
Motion Response  
Filed By: 34776 (St. John, Rebecca)  
Submit Date: 3-1-2012

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OCCD CA 02-07-2012 Notice of Reporter RE: Filing of Transcript(s)  
Court Reporter Name: (Schaefer, Patricia)

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OCCD CA 02-02-2012 Motion to Stay  
Filed By: 34776 (St. John, Rebecca)  
Submit Date: 2-3-2012

Decision: (D) Deny

Decision Date: 2-7-2012

ORD the motion to stay briefing is denied.

FRO that the appellant's brief and appendix shall be filed within 15 days of the date of this order and the remainder of the expedited briefing schedule shall be as set forth in the 1/6/12 order.

Comment: Briefing

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OCCD CA 01-30-2012

Delinquent

Comment: New due date of connected CRS: 2-6-2012

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OCCD CA 01-27-2012

Sealed Documents

Comment: SLD DOCS #10, 18, 26

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OCCD CA 01-27-2012

Record

Comment: 1-3 to 44-1

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OCCD CA 01-20-2012

Transcript filed in Circuit Court

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OCCD CA 01-17-2012

Notice of Reporter RE: Filing of Transcript(s)

Court Reporter Name: (Schaefer, Patricia)

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OCCD CA 01-11-2012

Transcript filed in Circuit Court

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OCCD CA 01-11-2012

Statement on Transcript

Filed By: Mark Richards

Status: Ordered

Comment: Cross Appellant

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OCCD CA 01-10-2012

Notif. Sent-Filing of LVO & Court Record

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OCCD CA 01-10-2012

Copy of Order Granting Leave - from Cir. Ct.

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OCCD CA 01-10-2012

Statement on Transcript

Filed By: 34776 (St. John, Rebecca)

Status: Ordered

Comment: Appellant

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OCCD CA 01-06-2012

Copy of CTO Grtg. PLV Filed in Cir. Ct.

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OCCD CA 12-15-2011

Fee Paid

Comment: Receipt No: 11R 003101

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OCCD CA 12-13-2011

Petition for Leave to Appeal

Filed By: 34776 (St. John, Rebecca)

Submit Date: 12-22-2011

Decision: (G) Grant

Decision Date: 1-6-2012

ORD that the petitions for leave to appeal filed by Johnson and the State are granted. The entry of this order has the effect of the filing of a notice of appeal on behalf of the State and a notice of cross-appeal on behalf of Johnson. See Wis. Stat. Rule 809.50(3). A copy of this order has been forwarded to the clerk of the circuit court. 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 these petitions and the docket entries maintained pursuant to Wis. Stat. s. 59.40(2)(b) or (c) to the clerk of this court within 3 days of receipt of this order.

FRO that this appeal and cross-appeal are expedited in accordance with the schedule set forth above. Within 5 days of the date of this order, both Johnson and the State shall serve and file statements on transcript pursuant to Wis. Stat. Rule 809.11(4)(b). The final transcript must be served and filed by 1/21/12, if all necessary transcripts have not yet been served and filed.

FRO that the clerk of the circuit court shall transmit the record to this court on or before 1/26/12.

FRO that the State's appellant's brief and appendix shall be served and filed within 20 days of the date the record is transmitted to this court.

FRO that Johnson's respondent-cross appellant's brief shall be served and filed within 20 days of filing of the appellant's brief.

FRO that the State's reply cross respondent's brief shall be served and filed within 15 days of the filing of Johnson's respondent cross appellant's brief.

FRO that Johnson's cross appellant's reply brief shall be served and filed within 7 days of the date the State's reply cross respondent's brief is filed.

FRO that this court will take the matter under submission as soon as briefing is completed.

Motion Response

Filed By: Kathleen Quinn

Submit Date: 12-23-2011

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OCCD CA 12-13-2011

Attorney Change

Comment: AG from Weber to St John (2nd Change notice from St John rec'd 12/20/11)

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OCCD CA 12-12-2011

Certificate of Service

Comment: PLV

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OCCD CA 12-12-2011

Motion to Stay

Filed By: Michael Hart

Submit Date: 12-12-2011

Decision: (O) Other

Decision Date: 12-14-2011

ORD that the request to stay circuit court proceedings is denied.

FRO that the State shall file a response to the petition for leave to appeal within the time allotted by 809.50(2).

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OCCD CA 12-12-2011

Petition for Leave to Appeal

Filed By: Michael Hart

Submit Date: 12-14-2011

Decision: (G) Grant

Decision Date: 1-6-2012

ORD that the petitions for leave to appeal filed by Johnson and the State are granted. The entry of this order has the effect of the filing of a notice of appeal on behalf of the State and a notice of cross-appeal on behalf of Johnson. See Wis. Stat. Rule 809.50(3). A copy of this order has been forwarded to the clerk of the circuit court. 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 these petitions and the docket entries maintained pursuant to Wis. Stat. s. 59.40(2)(b) or (c) to the clerk of this court within 3 days of

receipt of this order.

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FRO that the clerk of the circuit court shall transmit the record to this court on or before 1/26/12.

FRO that the State's appellant's brief and appendix shall be served and filed within 20 days of the date the record is transmitted to this court.

FRO that Johnson's respondent-cross appellant's brief shall be served and filed within 20 days of filing of the appellant's brief.

FRO that the State's reply cross respondent's brief shall be served and filed within 15 days of the filing of Johnson's respondent cross appellant's brief.

FRO that Johnson's cross appellant's reply brief shall be served and filed within 7 days of the date the State's reply cross respondent's brief is filed.

FRO that this court will take the matter under submission as soon as briefing is completed.

Motion Response

Filed By: 34776 (St. John, Rebecca)

Submit Date: 12-21-2011

Motion Response

Filed By: Kathleen Quinn

Submit Date: 12-23-2011

Comment: Stay in body of leave

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OCCD CA 11-29-2011

Non-Final Order of Circuit Court

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