

# Wisconsin Supreme Court and Court of Appeals Case Access

**Lorenzo D. Kyles v. William Pollard**

**Appeal Number 2012AP000378 - W**

**Court of Appeals District 1**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	07-01-2022		Fee Paid
Comment: Invoice No: 20298; Receipt No: 22R 001438				
OCCD	CA	07-01-2022		Invoice Issued
Comment: Invoice No: 20298				
OCCD	CA	01-15-2015		Remittitur
Comment: T/J				
OCCD	CA	12-11-2014		Opinion/Decision
Judge Panel: Curley, Kessler, Brennan				
Opinion: Memo Opinion				
Decision: Petition for Writ Dismissed Pages: 2				
Order Text: ORD that based on the joint motion of the parties, the time to file a notice of intent under Rule 809.30(2)(b) is extended to December 4, 2014. FRO that the petition for a writ of habeas corpus is dismissed.				
OCCD	CA	12-09-2014		Motion for Miscellaneous Relief
Filed By: Robert Henak				
Submit Date: 12-9-2014				
Decision: (G) Grant				
Decision Date: 12-11-2014				
ORD that based on the joint motion of the parties, the time to file a notice of intent under Rule 809.30(2)(b) is extended to December 4, 2014. FRO that the petition for a writ of habeas corpus is dismissed.				
Comment: joint motion to extend time to file notice of intent to pursue post-conviction relief and dismissal of knight petition as moot				
OCCD	CA	12-09-2014		Response
Comment: Per 8/21/14 CTO, within thirty days of the entry of the circuit courts findings, the petitioner shall file a supplemental memorandum in support of his petition. State's response due twenty-one days later.				
OCCD	CA	10-09-2014		Motion to Extend Time

Filed By: Robert Henak

Submit Date: 10-9-2014

Decision: (G) Grant

Decision Date: 10-10-2014

ORD that the deadline for the circuit court to conduct a hearing and enter written findings of fact is extended to December 19, 2014, and that all other deadlines outlined in our August 21, 2014 order remain in effect.

See RSP event due on 12-19-2014

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OCCD	CA	08-21-2014	Court Order
ORD that this matter is remanded to the circuit court for a hearing consistent with this order and the Wisconsin Supreme Courts decision in State ex rel. Kyles v. Pollard, 2014 WI 38, 4, 49-54, ___ Wis. 2d ___, 847 N.W.2d 805.			
FRO that the circuit court shall conduct a hearing and enter written findings of fact within sixty days of the date of this order, and that the clerk of circuit court shall provide a copy of the circuit courts findings to this court within five days of the entry of those findings.			
FRO that within seven days of the circuit courts entry of its written findings, any party that wants to provide a transcript of the proceedings to this court shall make arrangements with the court reporter for the production of a transcript, and the transcript shall be produced within twenty days.			
FRO that within thirty days of the entry of the circuit courts findings, the petitioner shall file a supplemental memorandum in support of his petition.			
FRO that within twenty-one days after the petitioner files his supplemental memorandum in support of his petition, the State shall file a response to the supplemental memorandum.			

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OCCD	CA	08-19-2014	Response
Comment: State's Response to petition			

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OCCD	CA	08-01-2014	Response
Comment: Henak response to 7/29/14 cto			

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OCCD	CA	07-29-2014	Court Order
ORD that Attorney Robert R. Henak shall inform this court within seven days of the date of this order whether he will be continuing as counsel for Kyles.			
FRO that within twenty-one days of the date of this order, the State shall file a response to the petition setting forth whether it opposes the petition and any other defenses the State might have.			
See WHC event filed on 6-17-2014			

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OCCD	SC	07-25-2014	Court Changed to Court of Appeals
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OCCD	SC	06-17-2014	Cites
354 Wis. 2d 626			

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OCCD	SC	06-17-2014	Cites
847 N.W.2d 805			

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OCCD	CA	06-17-2014	Petition for Writ of Habeas Corpus
Filed By: Unassigned District 1			
Submit Date: 7-25-2014			

Decision: (M) Dismiss  
Decision Date: 12-11-2014  
ORD that based on the joint motion of the parties, the time to file a notice of intent under Rule 809.30(2)(b) is extended to December 4, 2014. FRO that the petition for a writ of habeas corpus is dismissed.  
Motion Response  
Filed By: 32925 (O'Neil, Aaron)  
Submit Date: 8-19-2014  
This motion contains court order(s).  
Comment: remanded from SC

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OCCD SC 06-17-2014 [Opinion/Decision](#)  
Judge Panel: Abrahamson, Bradley, Crooks, Prosser, Roggensack, Ziegler, Gableman  
Opinion: Opinion  
Decision: Reversed and remanded Pages: 25  
Written by: Bradley, Ann Walsh  
Order Text: The decision of the court of appeals is reversed, and the cause is remanded to the court of appeals.

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OCCD SC 06-16-2014 Public Domain Citation  
Comment: PDC No: 2014 WI 38

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OCCD SC 05-14-2014 Rsp. to Add'l/Supplemental Authorities  
Comment: filed by AG O'Neil Rsp. to Add'l/Supplemental Authorities

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OCCD SC 05-08-2014 Briefs Received At State Law Library  
Comment: Additional Authorities

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OCCD SC 05-05-2014 Additional Authorities  
Comment: filed by Attorney Robert Henak Additional Authorities

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OCCD SC 04-07-2014 Briefs Received At State Law Library

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OCCD SC 04-03-2014 Oral Argument  
Comment: 2nd case, 9:45 a.m. Atty Robert Henak for Pet; AAG Aaron O'Neil for Res

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OCCD SC 03-06-2014 Other Papers  
Comment: Notice of Correction to Footnote Assertion in Response Brief Other Papers-Notice of Correction to Footnote Assertion in Response Brief

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OCCD SC 02-19-2014 [Reply Brief-Supreme Court](#)  
[Reply Brief-Supreme Court](#)  
Filed By: Robert Henak

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OCCD SC 02-10-2014 [Response Brief-Supreme Court](#)  
[Brief of Respondent-Supreme Court](#)  
Filed By: 32925 (O'Neil, Aaron)

OCCD SC	01-24-2014	Motion to Extend Time
Filed By: 32925 (O'Neil, Aaron) Submit Date: 1-24-2014 Decision: (G) Grant Decision Date: 1-24-2014 IT IS ORDERED that the motion is granted in part. Respondents response brief shall be served and filed on or before February 10, 2014. No further extensions of time will be granted to this party. See BR2 event due on 2-10-2014		
OCCD SC	01-17-2014	Assigned-Oral Argument
OCCD SC	01-16-2014	First Brief-Supreme Court <a href="#">First Brief-Supreme Court</a>
Filed By: Robert Henak Comment: Note that the caption has been corrected on brief. Please use the above caption on all future briefs. Please note the party designation on the caption was corrected on the covers of all briefs. Please use the above caption on all future briefs.		
OCCD SC	12-17-2013	Court Changed to Supreme Court
OCCD SC	01-09-2013	Response
Comment: response to PRE as ordered 12/11/12		
OCCD SC	12-18-2012	Motion to Extend Time
Filed By: 32925 (O'Neil, Aaron) Submit Date: 12-19-2012 Decision: (G) Grant Decision Date: 12-19-2012 ORD that the motion is granted. Respondent's response to the petition for review shall be served and filed on or before January 9, 2013. See RSP event due on 1-9-2013		
OCCD CA	12-18-2012	Attorney Change
Comment: AG from Weber to O'Neil		
OCCD SC	12-11-2012	Court Order
ORD that within 14 days of the date of this order, the respondent, William Pollard, is directed to file a response to the petition for review, addressing specifically the correctness of the court of appeals' May 9, 2012 decision in light of State ex rel Smalley v. Morgan, abrogated on other grounds by State ex rel Coleman v. Caughtry and State ex rel Santana v. Endicott. The State is further directed to discuss in its response the preclusive effect, if any, of prior state court proceedings on the instant case.		
OCCD CA	12-11-2012	Attorney Change
Comment: Address change for Lorenzo Kyles		
OCCD SC	07-16-2012	Petition for Review
Filed By: Lorenzo Kyles		

Submit Date: 9-20-2012

Decision: (G) Grant

Decision Date: 12-17-2013

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

FRO that Kyles' motion to appoint counsel is granted. Atty Robert Henak shall serve as counsel for Lorenzo D. Kyles. Henak's representation is pro bono and not subject to compensation under SCR ch 81.

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: Lorenzo Kyles

Submit Date: 9-20-2012

Motion Response

Filed By: Gregory Weber

Submit Date: 9-20-2012

Motion Response

Filed By: 32925 (O'Neil, Aaron)

Submit Date: 1-9-2013

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OCCD SC 07-12-2012 Motion to Appoint Counsel

Filed By: Lorenzo Kyles

Submit Date: 7-16-2012

Decision: (G) Grant

Decision Date: 12-17-2013

ORD mtn to appt counsel is granted.

Motion Response

Filed By: Lorenzo Kyles

Submit Date: 1-29-2013

Comment: held in abeyance during pendency of PRE

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OCCD SC 07-12-2012 Indig. Forms/Motion filed by pro se

Filed By: Lorenzo Kyles

Submit Date: 7-16-2012

Decision: (G) Grant

Decision Date: 7-16-2012

ORD FWA-IND

Comment: 7/13/12 trust account

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OCCD SC 07-11-2012 Motion for Miscellaneous Relief

Filed By: Lorenzo Kyles

Submit Date: 7-12-2012

Decision: (D) Deny

Decision Date: 7-16-2012

ORD that the motion to extend the time to file a petition for review is denied. The 30 day period in which to file a petition for review may not be enlarged. FRO that the motion itself shall be deemed to be a timely petition for review. However, a statement in support of the petition, conforming to the requirements, must be filed with the clerk of this court by 9/12/12. If the statement is not filed by that time, this petition will be summarily dismissed. No further time extensions will be granted; FRO that the motion to appoint counsel is held in abeyance during the pendency of the petition for review.

Comment: MXT to file PRE & to appoint counsel

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OCCD CA 05-29-2012 Motion for Reconsideration

Filed By: Lorenzo Kyles

Submit Date: 5-29-2012  
 Decision: (D) Deny  
 Decision Date: 6-14-2012  
 ORD that the motion for reconsideration is denied.

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OCCD CA	05-09-2012	Opinion/Decision
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Judge Panel: Curley, Fine, Kessler  
 Opinion: Memo Opinion  
 Decision: Petition for Writ Dismissed Pages: 4  
 Order Text: IT IS ORDERED that Kyles's petition for a writ of habeas corpus is denied ex parte. See WIS. STAT. RULE 809.51(2).

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OCCD CA	02-22-2012	Indig. Forms/Motion filed by pro se
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Filed By: Lorenzo Kyles  
 Submit Date: 2-22-2012  
 Decision: (G) Grant  
 Decision Date: 2-23-2012  
 ORD FWA-IND  
 Comment: ineffective assistance of counsel

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OCCD CA	02-22-2012	Petition for Writ of Habeas Corpus
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Filed By: Lorenzo Kyles  
 Submit Date: 2-23-2012  
 Decision: (D) Deny  
 Decision Date: 5-9-2012  
 IT IS ORDERED that Kyles's petition for a writ of habeas corpus is denied ex parte. See WIS. STAT. RULE 809.51(2).

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