

# Wisconsin Supreme Court and Court of Appeals Case Access

## State v. Leopoldo R. Salas Gayton

### Appeal Number 2013AP000646 - CR

Supreme Court

#### CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	03-31-2017		Letter/Correspondence Comment: From U.S. Supreme Court: petition for writ of certiorari denied 3/20/17.
OCCD	SC	11-28-2016		Letter/Correspondence Comment: From U.S. Supreme Court: petition for writ of certiorari filed 11/14/16 docketed 11/23/16 as case no. 16-6926
OCCD	SC	10-24-2016		Letter/Correspondence Comment: From U.S. Supreme Court: extension to file petition for writ of certiorari granted and extended to 11/13/16
OCCD	SC	08-18-2016		Remittitur
OCCD	SC	07-06-2016		Cites 370 Wis. 2d 264
OCCD	SC	07-06-2016		Cites 882 N.W.2d 459
OCCD	SC	07-06-2016		<a href="#">Opinion/Decision</a> Judge Panel: Roggensack, Abrahamson, Bradley, Prosser, Ziegler, Gableman, Bradley Opinion: Opinion Decision: Affirmed Pages: 29 Written by: Prosser, David T. Jr. Abrahamson, Shirley S. Joined Concurring Opinion Bradley, Ann Walsh Wrote Concurring Opinion 18 pages. Roggensack, Patience Drake Took No Part Order Text: The decision of the court of appeals is affirmed.
OCCD	SC	07-01-2016		Public Domain Citation Comment: PDC No: 2016 WI 58

OCCD SC	03-14-2016	Briefs Received At State Law Library
OCCD SC	03-14-2016	Oral Argument Comment: 2nd case, 9:45 a.m. , SPD Colleen Ball for Def-App-Pet, AAG Christopher Wren for Pla-Res, Atty Matthew Pinix for Def-App-Pet as Amicus party.
OCCD SC	03-10-2016	E-Filing Certification Comment: Non-Party Amicus Brief of The Irrevocable Trust for the Benefit of Hayden Isabella Lamb in Support of the Respondent
OCCD SC	03-08-2016	Certificate of Filing by Mail Comment: BOT-Defendant-Appellant-Petitioner Reply Brief to Irrevocable Trust For The Benefit Of Hayden Isabella Lamb In Support Of The Respondent
OCCD SC	03-07-2016	Other Brief <a href="#">Other Brief - Petitioner's Reply To Nonparty Brief Filed By - The Irrevocable Trust For The Benefit Of Hayden Isabella Lamb</a> Filed By: Colleen Ball Comment: Defendant-Appellant-Petitioner Reply Brief to Irrevocable Trust For The Benefit Of Hayden Isabella Lamb In Support Of The Respondent
OCCD SC	03-07-2016	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae Catholic Charities Legal Services For Immigrants, et al.</a> Filed By: Matthew Pinix Comment: Catholic Charities Legal Services For Immigrants, et al.
OCCD SC	03-03-2016	Briefs Received At State Law Library
OCCD SC	03-02-2016	Motion for Miscellaneous Relief Filed By: Matthew Pinix Submit Date: 3-2-2016 Decision: (G) Grant Decision Date: 3-7-2016 ORD that the motion is granted in part. The legal service organization amici shall be permitted to participate in the oral argument using 5 minutes of defendant-appellant-petitioner's allotted 25 minutes for opening argument. The legal service organization amici shall not present oral argument during defendant-appellant-petitioner's 5 minutes for rebuttal. Roggensack, C.J., did not participate Judgment affirmed. Comment: Motion for leave to participate in oral argument
OCCD SC	02-26-2016	Brief of Amicus Curiae <a href="#">Brief of Amicus Curiae - The Irrevocable Trust For The Benefit Of Hayden Isabella Lamb in Support of the Respondent</a> Filed By: Gouthami Katta Comment: Irrevocable Trust For The Benefit Of Hayden Isabella Lamb In Support Of The Respondent
OCCD SC	02-17-2016	Certificate of Filing by Mail

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OCCD	SC	02-16-2016	Motion to File Amicus/Non-Party Brief
Filed By: Matthew Pinix Submit Date: 2-17-2016 Decision: (G) Grant Decision Date: 2-26-2016 ORD that the motion of the legal service organizations is granted. Twenty-two copies of the brief shall be filed on or before March 7, 2016. FRO that the motion of the Irrevocable Trust for the Benefit of Hayden Isabella Lamb is granted, and the nonparty brief that was submitted along with that motion is accepted for filing. FRO that, on or before March 7, 2016, the defendant-appellant-petitioner may file a short brief in reply to the brief filed by the Irrevocable Trust for the Benefit of Hayden Isabella Lamb. Roggensack, C.J., did not participate. Comment: Catholic Charities Legal Services For Immigrants, et al.			

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OCCD	SC	02-16-2016	Motion to File Amicus/Non-Party Brief
Filed By: Gouthami Katta Submit Date: 2-17-2016 Decision: (G) Grant Decision Date: 2-26-2016 ORD that the motion of the legal service organizations is granted. Twenty-two copies of the brief shall be filed on or before March 7, 2016. FRO that the motion of the Irrevocable Trust for the Benefit of Hayden Isabella Lamb is granted, and the nonparty brief that was submitted along with that motion is accepted for filing. FRO that, on or before March 7, 2016, the defendant-appellant-petitioner may file a short brief in reply to the brief filed by the Irrevocable Trust for the Benefit of Hayden Isabella Lamb. Roggensack, C.J., did not participate. Motion Response Filed By: Colleen Ball Submit Date: 2-18-2016 Comment: Irrevocable Trust For The Benefit Of Hayden Isabella Lamb In Support Of The Respondent			

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OCCD	SC	02-16-2016	Reply Brief-Supreme Court <a href="#">Reply Brief-Supreme Court</a>
Filed By: Colleen Ball			

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OCCD	SC	02-12-2016	Briefs Received At State Law Library
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OCCD	SC	02-02-2016	Response Brief-Supreme Court <a href="#">Response Brief-Supreme Court</a>
Filed By: Christopher Wren			

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OCCD	SC	01-29-2016	Letter/Correspondence
Comment: To counsel from Clerk's Office: oral argument time change from 1:30 p.m. to 9:45 a.m., second case, March 14, 2016. cjp			

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OCCD	SC	01-20-2016	Assigned-Oral Argument
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OCCD	SC	01-19-2016	Motion to Extend Time
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Filed By: Christopher Wren

Submit Date: 1-19-2016

Decision: (G) Grant

Decision Date: 1-19-2016

ORD that the motion is granted. Plaintiff-respondent's response brief shall be served and filed on or before February 2, 2016.

Roggensack, C.J., did not participate.

See BR2 event due on 2-2-2016

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OCCD SC 12-28-2015 Certificate of Filing by Mail  
Comment: BR1

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OCCD SC 12-23-2015 [First Brief-Supreme Court](#)  
[First Brief-Supreme Court](#)  
Filed By: Colleen Ball  
Comment: Appx to First Brief-Supreme Court

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OCCD SC 12-16-2015 Supplement to Record  
Comment: 47-10 to 56-4

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OCCD SC 12-04-2015 Motion to Correct/Supplement Record  
Filed By: Colleen Ball  
Submit Date: 12-4-2015  
Decision: (G) Grant  
Decision Date: 12-9-2015  
IT IS ORDERED that the motion for an extension of time is granted. Defendant-appellant-petitioner shall file and serve his brief-in-chief on or before December 23, 2015. IT IS FURTHER ORDERED that the motion to supplement the record is granted.  
IT IS FURTHER ORDERED that on or before December 16, 2015, the clerk of the circuit court shall transmit by supplemental return the following documents to the clerk of this court:  
1. Letter from Attorney James D. Friedman to the Honorable Dennis R. Cimpl, filed July 19, 2011;  
2. Letter from Curt Richard Damske to the Honorable Dennis R. Cimpl, filed July 22, 2011;  
3. Letter from Peggy Lamb to the Honorable Dennis R. Cimpl, filed July 21, 2011;  
4. Email correspondence from Colette Brunki to Ann Weber and the Honorable Dennis R. Cimpl, filed July 21, 2011;  
5. Letter from Arlene Carter to the Honorable Dennis R. Cimpl, filed July 21, 2011;  
6. Email correspondence from Jennifer Damske to Ann Weber and the Honorable Dennis R. Cimpl, filed July 21, 2011; and  
7. Handwritten letter from Tanya LaFrenier to the Honorable Dennis R. Cimpl (filing date unknown, but prior to July 22, 2011 sentencing hearing).  
Roggensack, C.J., did not participate.  
  
Comment: & modify the briefing schedule

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OCCD SC 11-05-2015 Caption Amended

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OCCD SC 11-05-2015 Court Changed to Supreme Court

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OCCD SC 04-02-2015 Court Order  
IT IS ORDERED the pla-res, State of WI., is directed to file a formal response to the PRE on or before

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OCCD SC 12-23-2014 Motion for Miscellaneous Relief

Filed By: Leopoldo Salas Gayton

Submit Date: 12-23-2014

Decision: (O) Other

Decision Date: 12-26-2014

IT IS ORDERED that the motion for waiver of the required number of copies of the statement in support of the petition is granted, and defendant-appellant's original copy of his statement in support of the petition for review is accepted for filing. IT IS FURTHER ORDERED that defendant-appellant's motion for this court to serve copies is denied. Defendant-appellant remains solely responsible for serving a copy of his statement in support of the petition on the Attorney General's office and to his appellate counsel, as the clerk of this court is neither required nor authorized to serve papers on behalf of litigants. The court is returning two copies of defendant-appellant's statement in support to him along with his copy of this order so that he can serve copies on the Attorney General's office and his appellate counsel.

Comment: Motion to accept only 1 copy

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OCCD SC 12-11-2014 Attorney Change

Comment: Rec'd substitution of counsel, Added C. D. Ball, ASPD, Counsel for Def-App, withdrew MacArdy and Handelsman

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OCCD CA 11-18-2014 Cites  
358 Wis. 2d 709

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OCCD CA 11-18-2014 Cites  
856 N.W.2d 345

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OCCD CA 11-18-2014 Opinion Ordered Unpublished

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OCCD SC 10-27-2014 Petition for Review

Filed By: Colleen Ball

Submit Date: 12-16-2014

Decision: (G) Grant

Decision Date: 11-5-2015

ORD PRE granted. Briefs/stmts 30/20/10....Roggensack, C. J. did not participate; Bradley, J., did not participate in this order; Abrahamson and Ann W. Bradley wrote concurring concurrences and Abrahamson joined Bradley's concurrence.

Motion Response

Filed By: Colleen Ball

Submit Date: 12-16-2014

Motion Response

Filed By: Christopher Wren

Submit Date: 12-16-2014

Motion Response

Filed By: Leopoldo Salas Gayton

Submit Date: 12-23-2014

Motion Response

Filed By: Christopher Wren

Submit Date: 4-17-2015

Comment: NM PRE-stmt in support filed (non conforming PRE accepted); 12/10/14, Supp PRE filed;

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OCCD SC 10-27-2014 Fee Waived

Comment: Filed by SPD

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OCCD SC 10-27-2014 Motion for Miscellaneous Relief

Filed By: Amy MacArdy

Submit Date: 10-27-2014

Decision: (G) Grant

Decision Date: 10-28-2014

IT IS ORDERED the motion is granted, and the PRE is accepted for filing as a timely but non conforming PRE. A statement in support of the petition, conforming to the requirements of Wis. Stat. 809.62(2) and (4), must be filed with the clerk of this court by 12/10/14.

Comment: MXT/Stmt in support

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OCCD CA 10-07-2014 [Opinion/Decision](#)

Judge Panel: Fine, Brennan, Kessler

Opinion: Opinion

Decision: Affirmed Pages: 12

Written by: Fine, Ralph Adam

Kessler, Joan F. Wrote Concurring Opinion 1 pages.

Order Text: Judgment and order affirmed

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OCCD CA 09-02-2014 Submitted on Briefs

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OCCD CA 07-09-2014 Briefs Received At State Law Library

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OCCD CA 06-25-2014 Record and Briefs Sent to District 1

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OCCD CA 06-20-2014 Certificate of Service

Comment: BRY - Cert of Service stating brief was sent via First Class Mail to AG Wren on June 19, 2014

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OCCD CA 06-19-2014 Certificate of Filing by Mail

Comment: BRY

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OCCD CA 06-19-2014 Reply Brief

[Reply Brief](#)

Filed By: Amy MacArdy

Comment: received 10 copies of BRY for SC use, PS 11-19-2015

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OCCD CA 06-05-2014 Motion to Extend Time

Filed By: Amy MacArdy

Submit Date: 6-6-2014

Decision: (G) Grant

Decision Date: 6-9-2014

IT IS ORDERED that the time for the appellant to file a reply brief is extended until 06/19/14. See Wis. Stat. Rule 809.82(2)(a) (2011-12).  
See BRY event due on 6-19-2014

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OCCD CA 05-22-2014 Brief of Respondent(s)  
[Brief of Respondent\(s\)](#)

Filed By: Christopher Wren

Comment: received 10 copies of BRS for SC use. PS 11-9-2015

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OCCD CA 05-15-2014 Motion to Extend Time

Filed By: Christopher Wren

Submit Date: 5-15-2014

Decision: (G) Grant

Decision Date: 5-19-2014

IT IS ORDERED the deadline for the State to file the respondent's brief in this matter extended to 05/27/14.

See BRS event due on 5-27-2014

Comment: 3d

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OCCD CA 04-28-2014 Motion to Extend Time

Filed By: Christopher Wren

Submit Date: 4-28-2014

Decision: (G) Grant

Decision Date: 4-29-2014

IT IS ORDERED the deadline for the State to file the respondent's brief in this matter extended to 05/16/14.

See BRS event due on 5-16-2014

Comment: 2nd

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OCCD CA 03-27-2014 Motion to Extend Time

Filed By: Christopher Wren

Submit Date: 3-28-2014

Decision: (G) Grant

Decision Date: 3-31-2014

IT IS ORDERED the deadline for the State to file the respondent's brief in this matter extended to 05/01/14.

See BRS event due on 5-1-2014

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OCCD CA 02-28-2014 Certificate of Filing by Mail

Comment: BAP

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OCCD CA 02-27-2014 Brief & Appx of Appellant(s)  
[Brief of Appellant](#)

Filed By: Alexander Handelsman

Comment: Appx to Brief of Appellant(s): received 10 copies of BAP for SC use, PS 11-19-2015

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OCCD CA 01-28-2014 Sua Sponte

Filed By: Unassigned District 1

Submit Date: 1-29-2014

Decision: (O) Other

Decision Date: 1-30-2014

IT IS ORDERED that, no later than 02/28/14, Salas-Gayton shall file an amended brief that complies with this order, and further briefing shall proceed under the rules of appellate procedure.

Comment: Ltr from Atty Handelsman re/w/d part of BAP Not apptd counsel file NOappear.

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OCCD CA 01-28-2014 Attorney Change

Comment: Rec'd Notice of appearance, Added A. B. Handelsman, Counsel for Def-App

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OCCD CA 01-13-2014 Hold Status

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OCCD CA 10-31-2013 Motion for Stay

Filed By: Amy MacArdy

Submit Date: 10-31-2013

Decision: (G) Grant

Decision Date: 11-5-2013

IT IS ORDERED that briefing in this case is stayed pending either the outcome of the supreme court's final decision in Mursal, 12AP2775-CR, or a supreme court order denying the PRE in that case. IT IS FURTHER ORDERED that Salas-Gayton shall notify this court within 15 days after the SC either denies the PRE in Mursal or releases a final decision deciding that case, whichever is applicable. The notification shall include a statement advising the court whether Salas-Gayton intends to file a new brief in the instant matter or rely on the brief previously filed. IT IS FURTHER ORDERED the deadline for the State to file a respondent's brief is 30 days after Salas-Gayton file a new brief in this matter or notifies this court that he intends to rely on the brief previously filed.

Comment: Proceedings

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OCCD CA 10-14-2013 Motion for Miscellaneous Relief

Filed By: Amy MacArdy

Submit Date: 10-14-2013

Decision: (G) Grant

Decision Date: 10-15-2013

IT IS ORDERED that the deadline for Salas Gayton to either file an amended brief or notify this court that he will not file an amended brief is extended October 31, 2013.

Comment: Def-App MXT amended brief or notify court he will not file an amended brief

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OCCD CA 10-04-2013 Letter/Correspondence

Comment: CC of correspondence from AG Wren to Atty. MacArdy rcv'd

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OCCD CA 09-24-2013 Hold Status

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OCCD CA 07-31-2013 Motion for Stay

Filed By: Christopher Wren

Submit Date: 7-31-2013

Decision: (G) Grant

Decision Date: 8-2-2013

ORD that briefing in this case is stayed pending this court's decision in State v. Mursal, 2012AP2775-CR

FRO that the State shall notify the appellant that Mursal has been decided within fifteen days of the date it is decided.



FRO that, within fifteen days of the date the appellant is notified that Mursal is decided, the appellant shall either file an amended brief or notify this court that it intends to rely on the brief it has already filed. FOR that the deadline for filing the respondent's brief is thirty days from the date the appellant files an amended brief or notifies this court that it intends to rely on the brief it has already filed.  
Comment: Proceedings pending a Decision by this court in another fully briefed Case

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OCCD CA 07-18-2013 Attorney Change  
Comment: Added C. G. Wren, AAG, Counsel for Pla-Res, withdrew Weber

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OCCD CA 07-10-2013 Certificate of Service  
Comment: BAP

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OCCD CA 07-09-2013 Brief & Appx of Appellant(s)  
Comment: STRICKEN PER 01/30/14 cto

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OCCD CA 05-30-2013 Sealed Documents  
Comment: PSI #11

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OCCD CA 05-30-2013 Record  
Comment: 1-8 to 46-3; PSI #11

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OCCD CA 04-01-2013 Statement on Transcript  
Filed By: Amy MacArdy  
Status: Prev. Filed

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OCCD CA 03-20-2013 Notif. Sent-Filing of NAP & Ct. Record

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OCCD CA 03-20-2013 Fee Waived  
Comment: SPD Appointed

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OCCD CA 03-20-2013 Notice of Appeal & Circuit Court Docket Entries

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OCCD CA 03-20-2013 X Transfer

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OCCD CA 03-18-2013 Notice of Appeal filed in Cir. Ct.

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OCCD CA 02-01-2013 Received SPD Appointment Order  
Comment: for Atty. Amy L. MacArdy

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OCCD CA 01-17-2013 Mot. Extend Time to file NAP/PCM  
Filed By: Colleen Ball  
Submit Date: 1-17-2013  
Decision: (G) Grant

Decision Date: 1-18-2013

IT IS ORDERED the deadline for Salas Gayton to file a postconviction motion or a notice of appeal is extended through 03/21/13. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

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OCCD CA 12-17-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 12-18-2012

Decision: (G) Grant

Decision Date: 12-19-2012

IT IS ORDERED that the time for filing a notice of appeal is extended to January 18, 2013. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

Comment: 6th

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OCCD CA 11-28-2012 Order of Circuit Court

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OCCD CA 10-25-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 10-25-2012

Decision: (G) Grant

Decision Date: 10-29-2012

IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to November 23, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

Comment: 5th

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OCCD CA 08-27-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 8-28-2012

Decision: (G) Grant

Decision Date: 8-29-2012

IT IS ORDERED that the deadline for Salas Gayton to file a postconviction motion or notice of appeal in this matter is extended to October 26, 2012.

Comment: 4th

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OCCD CA 07-12-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 7-13-2012

Decision: (G) Grant

Decision Date: 7-16-2012

IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to August 27, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

Comment: 3d

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OCCD CA 05-08-2012 Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 5-8-2012

Decision: (G) Grant

Decision Date: 5-9-2012

IT IS ORDERED that the deadline for Salas Gayton to file a postconviction motion or notice of appeal in this matter is extended to July 13, 2012.

Comment: 2d

OCCD CA 03-14-2012

Mot. Extend Time to file NAP/PCM

Filed By: Melinda Swartz

Submit Date: 3-14-2012

Decision: (G) Grant

Decision Date: 3-15-2012

IT IS ORDERED that the deadline for Gayton to file a postconviction motion or a notice of appeal is extended through May 14, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

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OCCD CA 07-26-2011

Judgment of Circuit Court

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