

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. Erika Lisette Gutierrez**

**Appeal Number 2014AP001983 - CR**

**Court of Appeals District 1**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	05-15-2017		Remittitur
OCCD	CA	04-26-2017 897 N.W.2d 67		Cites
OCCD	CA	04-26-2017 375 Wis. 2d 325		Cites
OCCD	CA	04-26-2017		Opinion Ordered Unpublished
OCCD	CA	04-05-2017 Comment: Letter response to PRE rcv'd from State.		Other Papers
OCCD	SC	03-31-2017 Comment: SPD/CA		Fee Waived
OCCD	SC	03-31-2017 Filed By: Sara Roemaat Submit Date: 4-5-2017 Decision: (D) Deny Decision Date: 5-15-2017 ORD that the petition for review is denied, without costs.		Petition for Review
OCCD	CA	03-07-2017 Judge Panel: Brash, Brennan, Kessler Opinion: Opinion Decision: Affirmed Pages: 18 Written by: Brennan, Kitty K. Order Text: Judgment and order affirmed		<a href="#">Opinion/Decision</a>
OCCD	CA	12-08-2016		Submitted on Briefs

OCCD CA	08-16-2016	Briefs Received At State Law Library
OCCD CA	07-29-2016	Record and Briefs Sent to District 1
OCCD CA	07-29-2016 Comment: BRY-IB	Certificate of Filing by Mail
OCCD CA	07-28-2016  Filed By: Sara Roemaat	Reply Brief <a href="#">Reply Brief</a>
OCCD CA	07-21-2016 Filed By: Sara Roemaat Submit Date: 7-22-2016 Decision: (G) Grant Decision Date: 7-25-2016 ORD that the deadline for Gutierrez to file a reply brief is extended through August 1, 2016. See Wis. Stat. Rule 809.82(2)(a) (2013-14) See BRY event due on 8-1-2016	Motion to Extend Time
OCCD CA	07-07-2016  Filed By: Nancy Noet	Brief of Respondent(s) <a href="#">Brief of Respondent</a>
OCCD CA	06-23-2016 Filed By: Nancy Noet Submit Date: 6-24-2016 Decision: (G) Grant Decision Date: 6-27-2016 IT IS ORDERED that the time for the respondent to file a respondent's brief is extended to July 7, 2016. See Wis. Stat. Rule 809.82(2)(a) (2013-14). See BRS event due on 7-7-2016	Motion to Extend Time
OCCD CA	06-07-2016 Filed By: Nancy Noet Submit Date: 6-8-2016 Decision: (G) Grant Decision Date: 6-9-2016 IT IS ORDERED that the time for the respondent to file a respondent's brief is extended to June 23, 2016. See Wis. Stat. Rule 809.82(2)(a) (2013-14). See BRS event due on 6-23-2016 Comment: 7th	Motion to Extend Time
OCCD CA	05-24-2016 Filed By: Nancy Noet Submit Date: 5-25-2016 Decision: (G) Grant Decision Date: 5-27-2016 IT IS ORDERED that the time for the respondent to file a respondent's brief is extended to June 8,	Motion to Extend Time

2016. See Wis. Stat. Rule 809.82(2)(a) (2013-14).  
See BRS event due on 6-8-2016  
Comment: 6th

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OCCD CA 05-09-2016 Motion to Extend Time  
Filed By: Nancy Noet  
Submit Date: 5-10-2016  
Decision: (G) Grant  
Decision Date: 5-11-2016  
ORD that the time for the respndent to file a respondent's brief is extended to May 24, 2016. See Wis. Stat. Rule 809.82(2)(a) (2013-14).  
See BRS event due on 5-24-2016

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OCCD CA 04-08-2016 Motion to Extend Time  
Filed By: Nancy Noet  
Submit Date: 4-11-2016  
Decision: (G) Grant  
Decision Date: 4-12-2016  
ORD that the time for the respondent to file a respondent's brief is extended to May 9, 2016. See Wis. Stat. Rule 809.82(2)(a) (2013-14).  
See BRS event due on 5-9-2016  
Comment: 4th

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OCCD CA 03-09-2016 Other Brief  
[Other Brief - Defendant-Appellant's Supplemental Brief](#)  
Filed By: Sara Roemaat  
Comment: Appellant's Supplemental Brief

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OCCD CA 01-28-2016 Other Papers  
Comment: ltr., State refers to stay being lifted, briefing schedule should resume with aplnt. brief due in 40 days from today

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OCCD CA 01-28-2016 Other Papers  
Comment: ltr. to Atty. Roemaat advising stay lifted, brief due 3/8/16.

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OCCD CA 01-28-2016 Hold Status

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OCCD CA 01-04-2016 Sua Sponte  
Filed By: Unassigned District 1  
Submit Date: 1-5-2016  
Decision: (O) Other  
Decision Date: 1-8-2016  
ORD that the States status report is accepted as filed.  
FRO that this matter remains on hold pending further order of this court.  
FRO that the briefing deadlines set in this courts April 13, 2015 order remain in place.  
FRO that if briefing in this case has not resumed by August 1, 2016, the State shall file a report in this court, advising us of the status of Valadez, as best the State can discern.  
Comment: Status report per 04/13/15 cto

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OCCD CA 03-25-2015

Sua Sponte

Filed By: Unassigned District 1

Submit Date: 3-26-2015

Decision: (O) Other

Decision Date: 4-13-2015

IT IS ORDERED that this appeal shall continue to be held in abeyance pending the supreme courts decision in State v. Valadez, appeal Nos. 2014AP678-680. IT IS FURTHER ORDERED that within forty days of the date on which the supreme court releases an opinion in Valadez, appellant Erika Lisette Gutierrez shall file a replacement brief and appendix, a supplemental brief not to exceed the length limit set out in WIS. STAT. RULE 809.19(8)(c)2. (2013-14) (reply brief limits), or a statement that she will rely on her appellants brief as previously filed. IT IS FURTHER ORDERED that the subsequent deadlines for the respondents brief and reply brief shall follow under WIS. STAT. RULE 809.19 (2013-14) from Gutierrezs filing as required by this order, which will be considered the filing date of the appellants brief. IT IS FURTHER ORDERED that, if briefing in this case has not resumed by January 4, 2016, the State shall file a report in this court, advising us of the status of Valadez in the supreme court, as best the State can discern.

Comment: Response from State re pending decision in State v. Valdez 14AP678-680 per 2-16-15 CTO, action?

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OCCD CA 02-11-2015

Motion for Stay

Filed By: Nancy Noet

Submit Date: 2-12-2015

Decision: (G) Grant

Decision Date: 2-16-2015

IT IS ORDERED that this appeal is held in abeyance pending further order of this court. IT IS FURTHER ORDERED that the State shall inform this court within ten days of the date on which the supreme court makes a decision on the certification in State v. Valadez.

Comment: filed by PLA-RES State of WI

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OCCD CA 01-30-2015

Motion to Extend Time

Filed By: Nancy Noet

Submit Date: 1-30-2015

Decision: (G) Grant

Decision Date: 2-3-2015

IT IS ORDERED that the deadline for the State to file the respondent's brief in this matter is extended to February 13, 2015.

See BRS event due on 2-13-2015

Comment: 3rd

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OCCD CA 01-13-2015

Motion to Extend Time

Filed By: Nancy Noet

Submit Date: 1-13-2015

Decision: (G) Grant

Decision Date: 1-14-2015

IT IS ORDERED that the deadline for the State of Wisconsin to file its brief is extended through January 30, 2015. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

See BRS event due on 1-30-2015

Comment: 2d

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OCCD CA 12-10-2014

Motion to Extend Time

Filed By: Nancy Noet

Submit Date: 12-11-2014

Decision: (G) Grant

Decision Date: 12-12-2014

IT IS ORDERED the time for the respondent to file a respondent's brief is extended to 01/14/15. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

See BRS event due on 1-14-2015

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OCCD CA	11-17-2014	Attorney Change
Comment: Withdrew Gregory M. Weber, AAG, added Nancy A. Noet, AAG.		

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OCCD CA	11-13-2014	Certificate of Filing by Mail
Comment: BAP (IB)		

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OCCD CA	11-10-2014	Brief & Appx of Appellant(s) <a href="#">Brief of Appellant</a>
Filed By: Sara Roemaat		
Comment: Appendix to Brief of Appellant(s)		

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OCCD CA	10-01-2014	Sealed Documents
Comment: PSI #30		

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OCCD CA	10-01-2014	Record
Comment: 1-16 to 101-4		

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OCCD CA	09-11-2014	Other Papers
Comment: CRS filed by Barbara Bohl of 2010-2011 transcripts		

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OCCD CA	08-27-2014	Notif. Sent-Filing of NAP & Ct. Record
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OCCD CA	08-27-2014	Notice of Appeal & Circuit Court Docket Entries
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OCCD CA	08-27-2014	X Transfer
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OCCD CA	08-25-2014	Received SPD Appointment Order
Comment: Filed by Sara Roemaat		

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OCCD CA	08-25-2014	Statement on Transcript
Filed By: Sara Roemaat		
Status: Prev. Filed		

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OCCD CA	08-25-2014	Notice of Appeal filed in Cir. Ct.
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OCCD CA	08-12-2014	Order of Circuit Court
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OCCD CA 07-01-2014

Mot. Extend Time to Decide Postconviction Motion

Filed By: Sara Roemaat

Submit Date: 7-2-2014

Decision: (G) Grant

Decision Date: 7-3-2014

IT IS ORDERED that the deadline for the circuit court to decide the postconviction motion is extended to August 19, 2014.

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OCCD CA 03-13-2014

Mot. Extend Time to file NAP/PCM

Filed By: Sara Roemaat

Submit Date: 3-13-2014

Decision: (G) Grant

Decision Date: 3-17-2014

IT IS ORDERED the deadline for Gutierrez to file a postconviction motion or notice of appeal in this matter is extended to 05/13/14.

Comment: 5th

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OCCD CA 01-10-2014

Mot. Extend Time to file NAP/PCM

Filed By: Sara Roemaat

Submit Date: 1-13-2014

Decision: (G) Grant

Decision Date: 1-14-2014

ORD that the deadline for Gutierrez to file a postconviction motion or a notice of appeal is extended through March 14, 2014. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

Comment: 4th

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OCCD CA 11-12-2013

Mot. Extend Time to file NAP/PCM

Filed By: Sara Roemaat

Submit Date: 11-13-2013

Decision: (G) Grant

Decision Date: 11-14-2013

IT IS ORDERED that the deadline for Gutierrez to file a postconviction motion or a notice of appeal is extended through January 13, 2014. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

Comment: 3rd

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OCCD CA 09-12-2013

Mot. Extend Time to file NAP/PCM

Filed By: Sara Roemaat

Submit Date: 9-12-2013

Decision: (G) Grant

Decision Date: 9-13-2013

IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to November 13, 2013. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

Comment: 2d

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OCCD CA 07-12-2013

Mot. Extend Time to file NAP/PCM

Filed By: Sara Roemaat

Submit Date: 7-12-2013

Decision: (G) Grant

Decision Date: 7-15-2013

IT IS ORDERED the deadline for Gutierrez to file a postconviction motion or a notice of appeal is extended through 09/13/13. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

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OCCD CA 05-17-2013

Letter/Correspondence

Comment: Letter from Atty. Roemaat advising us of her appt as counsel for Def

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OCCD CA 05-01-2013

Miscellaneous Motion on XX-Case

Filed By: Jeremy Perri

Submit Date: 5-1-2013

Decision: (G) Grant

Decision Date: 5-3-2013

IT IS ORDERED that the deadline for the Office of the State Public Defender to appoint successor counsel for Gutierrez is extended to June 3, 2013. See WIS. STAT. RULE 809.82(2)(e) (2011-12). Successor counsel shall file a statement in this court advising of his or her appointment within five days after the appointment is made. IT IS FURTHER ORDERED that the deadline for Gutierrez to file a new postconviction motion or notice of appeal is extended until sixty days after the Office of the State Public Defender appoints successor postconviction/appellate counsel in this matter. IT IS FURTHER ORDERED that the Office of the State Public Defender shall provide successor counsel with a copy of this order. IT IS FURTHER ORDERED that this court shall take no action on Attorney Franklins motion to withdraw as counsel.

Comment: Motion for leave to appoint successor counsel and extension of Wis. Stat. 809.30(2) deadline

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OCCD CA 04-11-2013

Motion to Withdraw as Counsel

Filed By: Andrew Franklin

Submit Date: 5-2-2013

Decision: (N) No Action

Decision Date: 5-3-2013

IT IS ORDERED that the deadline for the Office of the State Public Defender to appoint successor counsel for Gutierrez is extended to June 3, 2013. See WIS. STAT. RULE 809.82(2)(e) (2011-12). Successor counsel shall file a statement in this court advising of his or her appointment within five days after the appointment is made. IT IS FURTHER ORDERED that the deadline for Gutierrez to file a new postconviction motion or notice of appeal is extended until sixty days after the Office of the State Public Defender appoints successor postconviction/appellate counsel in this matter. IT IS FURTHER ORDERED that the Office of the State Public Defender shall provide successor counsel with a copy of this order. IT IS FURTHER ORDERED that this court shall take no action on Attorney Franklins motion to withdraw as counsel.

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OCCD CA 03-13-2013

Mot. Extend Time to file NAP/PCM

Filed By: Andrew Franklin

Submit Date: 3-14-2013

Decision: (G) Grant

Decision Date: 3-15-2013

IT IS ORDERED that the deadline for Guterrez to file a postconviction motion or a notice of appeal is extended through April 5, 2013. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

Comment: 5th

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OCCD CA 02-11-2013

Mot. Extend Time to file NAP/PCM

Filed By: Andrew Franklin

Submit Date: 2-11-2013

Decision: (G) Grant

Decision Date: 2-13-2013

IT IS ORDERED that the deadline for Gutierrez to file a postconviction motion or a notice of appeal is extended through March 13, 2013. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

Comment: 4th

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OCCD CA 12-21-2012 Mot. Extend Time to file NAP/PCM  
Filed By: Andrew Franklin  
Submit Date: 12-21-2012  
Decision: (G) Grant  
Decision Date: 12-27-2012  
IT IS ORDERED the time for filing a notice of appeal or a postconviction motion is extended to 02/11/13.  
See Wis. Stat. Rule 809.82(2)(a) (2009-10).  
Comment: 3d

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OCCD CA 11-20-2012 Mot. Extend Time to file NAP/PCM  
Filed By: Andrew Franklin  
Submit Date: 11-21-2012  
Decision: (G) Grant  
Decision Date: 11-26-2012  
IT IS ORDERED the time for filing a notice of appeal or a postconviction motion is extended to 12/19/12.  
See Wis. Stat. Rule 809.82(2)(a) (2009-10).  
Comment: 2nd

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OCCD CA 09-19-2012 Mot. Extend Time to file NAP/PCM  
Filed By: Andrew Franklin  
Submit Date: 9-19-2012  
Decision: (G) Grant  
Decision Date: 9-21-2012  
IT IS ORDERED that the deadline for Gutierrez to file a postconviction motion or a notice of appeal is extended through November 19, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

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OCCD CA 07-12-2012 Attorney Change  
Comment: Added Andrew L. Franklin as Counsel for DEF per SPD Appt. Order received 7-12-12

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OCCD CA 07-12-2012 Received SPD Appointment Order  
Comment: for Andrew L. Franklin

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OCCD CA 06-21-2012 Mot. Extend Time to file NAP/PCM  
Filed By: Jeremy Perri  
Submit Date: 6-21-2012  
Decision: (G) Grant  
Decision Date: 6-25-2012  
IT IS ORDERED the deadline for Gutierrez to file a postconviction motion or notice of appeal in this matter is extended to 09/19/12.  
Comment: 4th

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OCCD CA 05-22-2012 Mot. Extend Time to file NAP/PCM  
Filed By: Jeremy Perri  
Submit Date: 5-22-2012  
Decision: (G) Grant  
Decision Date: 5-24-2012  
IT IS ORDERED the deadline for Gutierrez to file a postconviction motion or notice of appeal in this matter is extended to 06/21/12.  
Comment: 3d

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OCCD CA 03-23-2012

Mot. Extend Time to file NAP/PCM

Filed By: Jeremy Perri

Submit Date: 3-23-2012

Decision: (G) Grant

Decision Date: 3-27-2012

IT IS ORDERED that the deadline for Gutierrez to file a postconviction motion or a notice of appeal is extended through May 22, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

Comment: 2d

OCCD CA 01-23-2012

Mot. Extend Time to file NAP/PCM

Filed By: Jeremy Perri

Submit Date: 1-24-2012

Decision: (G) Grant

Decision Date: 1-25-2012

IT IS ORDERED the deadline for Gutierrez to file a postconviction motion or a notice of appeal is extended through 03/23/12. See Wis. Stat. Rule 809.82(2)(a) (2009-10).

OCCD CA 04-22-2011

Judgment of Circuit Court