

Wisconsin Supreme Court and Court of Appeals Case Access

State v. David McAlister, Sr.

Appeal Number 2014AP002561

Supreme Court

CASE HISTORY

| Status | Court | Filing Date | Anticipated Due Date | Activity |
|--------|-------|-------------|----------------------|--|
| OCCD | SC | 01-14-2019 | | Letter/Correspondence Comment: From US Supreme Court; advising petition for writ of certiorari is denied. 1/7/19 |
| OCCD | SC | 07-19-2018 | | Remittitur |
| OCCD | SC | 05-04-2018 | | Motion for Reconsideration Filed By: Robert Henak Submit Date: 5-17-2018 Decision: (D) Deny Decision Date: 6-14-2018 ORD that the motion is denied. No costs. Motion Response Filed By: Scott Rosenow Submit Date: 5-17-2018 |
| OCCD | SC | 04-17-2018 | | Cites 911 N.W.2d 77 |
| OCCD | SC | 04-17-2018 | | Cites 380 Wis. 2d 684 |
| OCCD | SC | 04-17-2018 | | Opinion/Decision Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Gableman, Bradley, Kelly Opinion: Opinion Decision: Affirmed Pages: 29 Written by: Roggensack, Patience Drake Abrahamson, Shirley S. Joined Dissenting Opinion Bradley, Ann Walsh Wrote Dissenting Opinion 9 pages. Kelly, Daniel Wrote Concurring Opinion 3 pages. Order Text: The decision of the court of appeals is affirmed. Comment: Opinion/Decision |
| OCCD | SC | 04-13-2018 | | Public Domain Citation Comment: PDC No: 2018 WI 34 |

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| OCCD SC | 01-11-2018 | Oral Argument |
| | Comment: at 1:30, p.m.; Robert Henak for Def-App-Pet; Scott Rosenow for Pla-Resp | |
| OCCD SC | 01-10-2018 | Briefs Received At State Law Library |
| OCCD SC | 12-28-2017 | Certificate of Filing by Mail |
| | Comment: BR3-IB 12/26/17 | |
| OCCD SC | 12-28-2017 | Reply Brief-Supreme Court Reply Brief-Supreme Court |
| | Filed By: Robert Henak | |
| OCCD SC | 12-20-2017 | Briefs Received At State Law Library |
| OCCD SC | 12-11-2017 | Response Brief-Supreme Court Response Brief-Supreme Court |
| | Filed By: Scott Rosenow | |
| OCCD SC | 12-08-2017 | Briefs Received At State Law Library |
| OCCD SC | 10-30-2017 | Assigned-Oral Argument |
| OCCD SC | 10-30-2017 | Letter/Correspondence |
| | Comment: From Attorney Robert R. Henak regarding COM for BR1. | |
| OCCD SC | 10-24-2017 | Motion to Extend Time |
| | Filed By: Scott Rosenow Submit Date: 10-24-2017 Decision: (G) Grant Decision Date: 10-25-2017 ORD that the motion is granted. The response brief of the State shall be served and filed on or before December 11, 2017. See BR2 event due on 12-11-2017 | |
| OCCD SC | 10-20-2017 | Certificate of Filing by Mail |
| | Comment: IB- 10/18/2017 | |
| OCCD SC | 10-20-2017 | First Brief-Supreme Court First Brief-Supreme Court |
| | Filed By: Robert Henak | |
| OCCD SC | 10-16-2017 | Response |
| | Comment: 10 additional CA briefs for SC use; Per 10/10/17 order, additional copies of defendant-appellant-petitioner CA briefs due 10/18/17 | |

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| OCCD SC | 10-10-2017 | Motion to Extend Time |
| <p>Filed By: Robert Henak Submit Date: 10-10-2017 Decision: (G) Grant Decision Date: 10-10-2017 ORD that the motion is granted. The opening brief of defendant-appellant-petitioner, David McAlister, Sr., shall be served and filed on or before October 18, 2017. Defendant-appellant-petitioner may also file with this court the required number of copies of his briefs filed in the court of appeals on or before October 18, 2017. See BR1 event due on 10-18-2017</p> | | |
| OCCD SC | 09-11-2017 | Caption Amended |
| OCCD SC | 09-11-2017 | Court Changed to Supreme Court |
| OCCD CA | 06-15-2017 | Attorney Change |
| <p>Comment: AAG Rosenow for State per letter of appearance.</p> | | |
| OCCD SC | 06-12-2017 | Court Order |
| <p>ORD that the plaintiff-respondent, State of Wisconsin, is directed to file a response to the petition for review on or before 6/27/17. See PRE event filed on 3-31-2017</p> | | |
| OCCD SC | 04-05-2017 | Letter/Correspondence |
| <p>Comment: no response to PRE will be filed unless ordered by the court. AAG Noet.</p> | | |
| OCCD SC | 04-03-2017 | Fee Waived |
| OCCD SC | 03-31-2017 | Indig. Forms/Motion filed by pro se |
| <p>Filed By: David McAlister Submit Date: 3-31-2017 Decision: (G) Grant Decision Date: 4-3-2017 Filing fee waived.</p> | | |
| OCCD SC | 03-31-2017 | Petition for Review |
| <p>Filed By: Robert Henak Submit Date: 4-5-2017 Decision: (G) Grant Decision Date: 9-11-2017 ORD that the petition for review is granted and that pursuant to Wis. Stat. (Rule) 809.62(6), the defendant-appellant-petitioner may not raise or argue issues not set forth in the petition for review unless otherwise ordered by the court; and FRO that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, within 30 days after the date of this order the defendant-appellant-petitioner must file a brief in this court; that within 20 days of filing the plaintiff-respondent, State of Wisconsin, must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the plaintiff-respondent, within 10 days of filing the defendant-appellant-petitioner must file either a reply brief or a statement that no reply brief will be filed;</p> | | |

and

FRO that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and

FRO that the first brief filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; and

FRO that within 30 days after the date of this order, each party must provide the clerk of this courts with 10 copies of the brief previously filed on behalf of that party in the court of appeals; and

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: Scott Rosenow

Submit Date: 6-27-2017

This motion contains court order(s).

OCCD CA 08-22-2016 Motion for Reconsideration

Filed By: Robert Henak

Submit Date: 8-22-2016

Decision: (D) Deny

Decision Date: 3-3-2017

ORD that the request for reconsideration is denied. Wis. Stat. Rule 809.24(2)

OCCD CA 08-22-2016 Attorney Change

Comment: Attorney Robert R. Henak appears, pro bono, on behalf of appellant

OCCD CA 08-10-2016 [Opinion/Decision](#)

Judge Panel: Gundrum, Hagedorn, Reilly

Opinion: Summary Disposition

Decision: Affirmed Pages: 5

Order Text: IT IS ORDERED that the order of the circuit court is summarily affirmed. WIS. STAT. RULE 809.21.

OCCD CA 11-10-2015 Submitted on Briefs

OCCD CA 09-30-2015 Briefs Received At State Law Library

Comment: Not retained at law library

OCCD CA 09-16-2015 Record and Briefs Sent to District 2

OCCD CA 09-09-2015 [Reply Brief](#)
[Reply Brief](#)

Filed By: David McAlister

Comment: Reply Brief

OCCD CA 08-20-2015 [Brief of Respondent\(s\)](#)
[Brief of Respondent](#)

Filed By: Nancy Noet

OCCD CA 08-06-2015 Motion to Extend Time
Filed By: Nancy Noet
Submit Date: 8-7-2015
Decision: (G) Grant
Decision Date: 8-10-2015
ORD that the time for the respondent to file its respondent's brief is extended to 8/21/15. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 8-21-2015

OCCD CA 07-22-2015 Motion to Extend Time
Filed By: Nancy Noet
Submit Date: 7-23-2015
Decision: (G) Grant
Decision Date: 7-24-2015
ORD that the time for the respondent to file its brief is extended to August 6, 2015. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 8-6-2015

OCCD CA 06-22-2015 Motion to Extend Time
Filed By: Nancy Noet
Submit Date: 6-23-2015
Decision: (G) Grant
Decision Date: 6-24-2015
ORD that the time for the respondent to file its brief is extended to 7/22/15. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 7-22-2015

OCCD CA 05-29-2015 Attorney Change
Comment: AAG Nancy A. Noet for State per letter notice of appearance

OCCD CA 05-20-2015 Brief & Appx of Appellant(s)
[Brief of Appellant\(s\)](#)
Filed By: David McAlister
Comment: Brief of Appellant(s) Appx to Brief of Appellant(s)

OCCD CA 04-17-2015 Motion to Extend Time
Filed By: David McAlister
Submit Date: 4-17-2015
Decision: (G) Grant
Decision Date: 4-20-2015
ORD that the time for the appellant to file his appellant's brief is extended to 5/20/15. See Wis. Stat. Rule 809.82(2)(a).
See BAP event due on 5-20-2015

OCCD CA 03-10-2015 Record
Comment: 1-5 to 77-1, Separate Box

OCCD CA 02-19-2015 Court Reporter's Statement-Trans.

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| OCCD CA | 02-17-2015 | Transcript filed in Circuit Court |
| OCCD CA | 01-26-2015 | Motion for Miscellaneous Relief Filed By: David McAlister Submit Date: 1-26-2015 Decision: (D) Deny Decision Date: 1-29-2015 ORD that the motion for an extension of time to file the appellant's brief is denied as unnecessary. Comment: ext. time (file brief?) |
| OCCD CA | 01-26-2015 | Statement on Transcript Filed By: David Status McAlister: Ordered Comment: 10/31/14 received uncertified SRT; letter sent requiring certified SRT by 11/25/14; 12/1/14 received copy of letter from TC to appellant advising arrangements must be made with CR directly |
| OCCD CA | 12-15-2014 | Motion to Extend Time Filed By: David McAlister Submit Date: 12-15-2014 Decision: (G) Grant Decision Date: 12-16-2014 ORD that the appellant shall file a statement on transcript no later than January 20, 2015. See Wis. Stat. Rule 809.82(2)(a) (2011-12). See SRT event due on 1-20-2015 |
| OCCD CA | 12-11-2014 | Delinquent Comment: New due date of connected SRT: 12-18-2014 |
| OCCD CA | 12-01-2014 | Letter/Correspondence Comment: copy; from TC to appellant advising he must make arrangements for preparation and filing of transcript with court reporter directly |
| OCCD CA | 11-26-2014 | Letter/Correspondence Comment: from appellant enclosing copy of letter sent to TC along with statement on transcript form for completion |
| OCCD CA | 11-05-2014 | Notif. Sent-Filing of NAP & Ct. Record |
| OCCD CA | 11-05-2014 | RAP and Guide Sent |
| OCCD CA | 11-05-2014 | Notice of Appeal & Circuit Court Docket Entries |
| OCCD CA | 11-03-2014 | Notice of Appeal filed in Cir. Ct. |
| OCCD CA | 10-31-2014 | Indig. Forms/Motion filed by pro se |

Filed By: David McAlister
Submit Date: 11-5-2014
Decision: (G) Grant
Decision Date: 11-5-2014
ORD filing fee waived.

OCCD CA 10-10-2014

Order of Circuit Court
