

# Wisconsin Supreme Court and Court of Appeals Case Access

State v. Nelson Garcia, Jr.

Appeal Number 2016AP001276 - CR

Supreme Court

## CASE HISTORY

| Status | Court | Filing Date | Anticipated Due Date | Activity   |
|--------|-------|-------------|----------------------|--|
| OCCD   | SC    | 08-23-2019  |                      | Letter/Correspondence<br>Comment: Garcia requests page 2 of docket sheet, prepayment was not enclosed, placed in file  |
| OCCD   | SC    | 05-21-2019  |                      | Remittitur   |
| OCCD   | SC    | 04-19-2019  |                      | Cites<br>386 Wis. 2d 386   |
| OCCD   | SC    | 04-19-2019  |                      | Cites<br>925 N.W.2d 528  |
| OCCD   | SC    | 04-19-2019  |                      | <a href="#">Opinion/Decision</a><br>Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Bradley, Kelly, Dallet<br>Opinion: Per Curiam<br>Decision: Affirmed Pages: 1<br>Order Text: The decision of the court of appeals is affirmed by an equally divided court.<br>SHIRLEY S. ABRAHAMSON, J., withdrew from participation.<br>Comment: Opinion/Decision |
| OCCD   | SC    | 04-17-2019  |                      | Public Domain Citation<br>Comment: PDC No: 2019 WI 40  |
| OCCD   | SC    | 04-10-2019  |                      | Oral Argument<br>Comment: 1st case, 9:45 a.m. Attorney Pamela Moorshead for DEF-APP-PET, Attorney Katherine D. Lloyd for PLA-RES.  |
| OCCD   | SC    | 04-09-2019  |                      | Briefs Received At State Law Library   |
| OCCD   | SC    | 04-02-2019  |                      | Brief of Amicus Curiae<br><a href="#">Brief of Amicus Curiae - The Innocence Project and The Wisconsin Innocence Project</a>   |

Filed By: Keith Findley

Comment: The Innocence Project and The Wisconsin Innocence Project. Please note that the case number has been corrected on the cover of all briefs. Brief of Amicus Curiae - The Innocence Project and The Wisconsin Innocence Project

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OCCD SC 04-01-2019 Briefs Received At State Law Library

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OCCD SC 04-01-2019 Certificate of Filing by Mail  
Comment: RE: Reply Briefs; rcvd 22 copies of briefs, mailed, 03-28-2019.

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OCCD SC 04-01-2019 Reply Brief-Supreme Court  
[Reply Brief-Supreme Court](#)  
Filed By: Pamela Moorshead

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OCCD SC 03-28-2019 Motion to File Amicus/Non-Party Brief  
Filed By: Keith Findley  
Submit Date: 3-29-2019  
Decision: (G) Grant  
Decision Date: 4-2-2019  
IT IS ORDERED that the motion is granted and the brief is accepted for filing.

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OCCD SC 03-26-2019 Fee Paid  
Comment: Receipt No: 19R 000794

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OCCD SC 03-26-2019 Letter/Correspondence  
Comment: Garcia requests copies of page 1-2 of First Brief, copies provided

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OCCD SC 03-14-2019 Motion to Waive Filing Requirements  
Filed By: Katherine Lloyd  
Submit Date: 3-15-2019  
Decision: (G) Grant  
Decision Date: 3-15-2019  
ORD that the motion is granted and plaintiff-respondent's response brief filed on March 14, 2019, is accepted for filing.  
Comment: exceed word limit in BR2 by no more than 500 words

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OCCD SC 03-14-2019 Response Brief-Supreme Court  
[Response Brief-Supreme Court](#)  
Filed By: Katherine Lloyd

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OCCD SC 02-15-2019 Motion to Extend Time  
Filed By: Katherine Lloyd  
Submit Date: 2-18-2019  
Decision: (G) Grant  
Decision Date: 2-19-2019  
ORD that the motion is granted. The State of Wisconsin's response brief shall be served and filed on or before March 14, 2019. No further extensions will be given.  
See BR2 event due on 3-14-2019

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|------|----|------------|---|
| OCCD | SC | 02-14-2019 | Assigned-Oral Argument  |
| OCCD | SC | 02-08-2019 | Certificate of Filing by Mail<br>Comment: RE: First Brief - Supreme Court, Shipped 2-7-19, COS  |
| OCCD | SC | 02-08-2019 | First Brief-Supreme Court<br><a href="#">First Brief-Supreme Court</a><br><br>Filed By: Pamela Moorshead<br>Comment: Appx to First Brief-Supreme Court  |
| OCCD | SC | 02-01-2019 | Motion to Extend Time<br><br>Filed By: Pamela Moorshead<br>Submit Date: 2-4-2019<br>Decision: (G) Grant<br>Decision Date: 2-5-2019<br>ORD that the motion is granted. Defendant-appellant-petitioner's initial brief shall be served and filed on or before February 7, 2019, and shall not exceed 13,500 words.<br>See BR1 event due on 2-7-2019<br>Comment: 2d; and increase word limit |
| OCCD | SC | 02-01-2019 | Fee Paid<br>Comment: Receipt No: 19R 000301; page 2 of docket card forwarded to Garcia  |
| OCCD | SC | 01-16-2019 | Letter/Correspondence<br>Comment: Garcia requests copy of page 2 of docket card; response ltr. sent advised copy cost   |
| OCCD | SC | 12-21-2018 | Motion to Extend Time<br><br>Filed By: Pamela Moorshead<br>Submit Date: 12-21-2018<br>Decision: (G) Grant<br>Decision Date: 12-27-2018<br>IT IS ORDERED that the motion is granted. Defendant-appellant-petitioner's initial brief shall be served and filed on or before February 1, 2019.<br>See BR1 event due on 2-1-2019  |
| OCCD | SC | 12-19-2018 | Letter/Correspondence<br>Comment: applnt. requests page 2 of docket card, placed in file (9/12/18 ltr. advised applnt. no addtnl. free copies would be sent)  |
| OCCD | SC | 12-12-2018 | Caption Amended   |
| OCCD | SC | 12-12-2018 | Court Changed to Supreme Court  |
| OCCD | CA | 12-10-2018 | Letter/Correspondence<br>Comment: applnt. requests page 2 of docket card, placed in file (9/12/18 ltr. advised applnt. no addtnl. free copies would be sent)  |

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|--|------------|---------------------------------|
| OCCD CA  | 10-24-2018 | Letter/Correspondence           |
| Comment: applnt. requests page 2 of docket, mailed 10/24/18  |            |                                 |
| OCCD SC  | 10-11-2018 | Attorney Change                 |
| Comment: SPD Moorshead appears for petitioner per notice of appearance.  |            |                                 |
| OCCD SC  | 09-18-2018 | Motion for Miscellaneous Relief |
| Filed By: Katherine Lloyd  |            |                                 |
| Submit Date: 9-19-2018   |            |                                 |
| Decision: (G) Grant  |            |                                 |
| Decision Date: 9-20-2018   |            |                                 |
| ORD that the motion is granted. The State of Wisconsin's response shall be served and filed on or before October 18, 2018.   |            |                                 |
| Comment: MXT to file PRE response  |            |                                 |
| OCCD CA  | 09-12-2018 | Letter/Correspondence           |
| Comment: Garcia requests copy of court docket; response ltr. informing Garcia no more free dockets will be sent, advised of copy cost, Atty. Haney is obligated to keep him informed |            |                                 |
| OCCD SC  | 09-04-2018 | Court Order                     |
| ORD that the State of Wisconsin is directed to file a response to the petition for review on or before September 18, 2018.   |            |                                 |
| OCCD CA  | 07-05-2018 | Letter/Correspondence           |
| Comment: Rcv'd from DEF-APP-PET requesting a copy of the case docket card; docket card sent 7-5-2018.  |            |                                 |
| OCCD SC  | 05-31-2018 | Letter/Correspondence           |
| Comment: Letter response to PRE filed by the State   |            |                                 |
| OCCD CA  | 05-30-2018 | Cites                           |
| 915 N.W.2d 729   |            |                                 |
| OCCD CA  | 05-30-2018 | Cites                           |
| 382 Wis. 2d 269  |            |                                 |
| OCCD CA  | 05-30-2018 | Opinion Ordered Unpublished     |
| OCCD SC  | 05-10-2018 | Fee Waived                      |
| Comment: SPD   |            |                                 |
| OCCD SC  | 05-10-2018 | Petition for Review             |
| Filed By: Robert Haney   |            |                                 |
| Submit Date: 6-1-2018  |            |                                 |

Decision: (G) Grant  
Decision Date: 12-12-2018  
ORD that the petition for review is granted. Briefs/statements due 30/20/10.  
Motion Response  
Filed By: Katherine Lloyd  
Submit Date: 10-19-2018

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OCCD CA 05-10-2018 Letter/Correspondence

Comment: applnt. requests docket sheet, mailed 5/10/18

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OCCD CA 04-10-2018 [Opinion/Decision](#)

Judge Panel: Dugan, Brash, Brennan

Opinion: Opinion

Decision: Affirmed Pages: 22

Written by: Brennan, Kitty K.

Order Text: Judgment affirmed

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OCCD CA 03-07-2018 Letter/Correspondence

Comment: applnt. requests copyof docket card, mailed 3/13/18

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OCCD CA 02-01-2018 Submitted on Briefs

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OCCD CA 01-16-2018 Other Papers

Comment: Rcv'd letter from DEF-APP asking for a copy of this court's docket card, copy sent 01-16-2018

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OCCD CA 01-10-2018 Briefs Received At State Law Library

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OCCD CA 12-21-2017 Record and Briefs Sent to District 1

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OCCD CA 12-20-2017 [Reply Brief](#)  
[Reply Brief](#)

Filed By: Robert Haney

Comment: Appx to Reply Brief

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OCCD CA 12-18-2017 Motion to Extend Time

Filed By: Robert Haney

Submit Date: 12-18-2017

Decision: (G) Grant

Decision Date: 12-19-2017

ORD that the time for the appellant to file the reply brief is extended to December 19, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

See BRY event due on 12-19-2017

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OCCD CA 12-07-2017 Letter/Correspondence

Comment: Rcv'd letter from DEF-APP asking for a copy of this court's docket card, copy sent 12-7-2017.

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OCCD CA 11-28-2017 Sua Sponte  
Filed By: Unassigned District 1  
Submit Date: 11-28-2017  
Decision: (G) Grant  
Decision Date: 11-29-2017  
ORD that the deadline for filing the reply brief in this matter is extended to December 11, 2017.  
Comment: letter from Atty. Rupich on behalf of Atty. Haney re MXT/BRY, action?

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OCCD CA 11-21-2017 Motion to Extend Time  
Filed By: Robert Haney  
Submit Date: 11-22-2017  
Decision: (G) Grant  
Decision Date: 11-24-2017  
IT IS ORDERED that the deadline for Garcia to file a reply brief in this matter is extended to December 1, 2017.  
See BRY event due on 12-1-2017  
Comment: 3

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OCCD CA 11-13-2017 Letter/Correspondence  
Comment: applnt. requests copy of docket, 11/13/17 mailed

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OCCD CA 11-09-2017 Motion to Extend Time  
Filed By: Robert Haney  
Submit Date: 11-9-2017  
Decision: (G) Grant  
Decision Date: 11-10-2017  
ORD that the deadline for Garcia to file the reply brief in this matter is extended to November 15, 2017.  
See BRY event due on 11-15-2017

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OCCD CA 10-26-2017 Motion to Extend Time  
Filed By: Robert Haney  
Submit Date: 10-27-2017  
Decision: (G) Grant  
Decision Date: 10-30-2017  
ORD that the time for the appellant to file the reply brief is extended to Novemer 6, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).  
See BRY event due on 11-6-2017

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OCCD CA 10-23-2017 Letter/Correspondence  
Comment: Garcia requests copy of the docket card, mailed 10/24/17

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OCCD CA 10-12-2017 Brief of Respondent(s)  
[Brief of Respondent](#)  
Filed By: Katherine Lloyd

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OCCD CA 09-27-2017 Letter/Correspondence  
Comment: applnt. requests copy of docket card, 9/29/17 copy mailed

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|---|----|------------|------------------------------|
| OCCD  | CA | 09-08-2017 | Letter/Correspondence        |
| Comment: applnt. requests copies of pages 11 and 26 of BAP; 9/14/17 courtesy copies mailed  |    |            |                              |
| OCCD  | CA | 09-08-2017 | Motion to Extend Time        |
| Filed By: Katherine Lloyd<br>Submit Date: 9-8-2017<br>Decision: (G) Grant<br>Decision Date: 9-11-2017<br>ORD that the deadline for the State to file the respondent's brief in this matter is extended to October 12, 2017.<br>See BRS event due on 10-12-2017          |    |            |                              |
| OCCD  | CA | 08-25-2017 | Letter/Correspondence        |
| Comment: applnt. requests copy of docket card; 8/28/17 - mailed   |    |            |                              |
| OCCD  | CA | 08-18-2017 | Attorney Change              |
| Comment: AAG Lloyd appears for State per ltr. of representation   |    |            |                              |
| OCCD  | CA | 08-10-2017 | Brief & Appx of Appellant(s) |
| <a href="#">Brief of Appellant</a><br>Filed By: Robert Haney<br>Comment: Separate Appendix Appx to Brief of Appellant(s)  |    |            |                              |
| OCCD  | CA | 08-07-2017 | Letter/Correspondence        |
| Comment: rcv'd from DEF-APP requesting a copy of the docket card; 8-9-17, copy of docket card sent.   |    |            |                              |
| OCCD  | CA | 07-27-2017 | Motion to Extend Time        |
| Filed By: Robert Haney<br>Submit Date: 7-28-2017<br>Decision: (G) Grant<br>Decision Date: 7-31-2017<br>ORD that the deadline for filing the appellant's brief and appendix in this matter is extended to August 8, 2017.<br>See BAP event due on 8-8-2017<br>Comment: 3 |    |            |                              |
| OCCD  | CA | 07-19-2017 | Letter/Correspondence        |
| Comment: applnt. requests docket card, mailed   |    |            |                              |
| OCCD  | CA | 07-07-2017 | Motion to Extend Time        |
| Filed By: Robert Haney<br>Submit Date: 7-10-2017<br>Decision: (G) Grant<br>Decision Date: 7-13-2017<br>ORD that the deadline for Garcia to file a brief and appendix is extended through July 24, 2017.<br>See BAP event due on 7-24-2017<br>Comment: 2                 |    |            |                              |

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|------|----|------------|---------------------------------|--|
| OCCD | CA | 07-05-2017 | Letter/Correspondence           | Comment: applnt. requests copy of docket card; 7/5 - copy mailed   |
| OCCD | CA | 06-21-2017 | Supplement to Record            | Comment: ELECTRONICALLY FILED; 96-2 to 98-1  |
| OCCD | CA | 06-12-2017 | Letter/Correspondence           | Comment: rcv'd request from DEF-APP for copy of the docket card; 6-12-17, copy of docket card sent, skg.   |
| OCCD | CA | 05-30-2017 | Letter/Correspondence           | Comment: applnt. requests copy of docket sheet, 5/31/17 mailed   |
| OCCD | CA | 05-23-2017 | Court Order                     | ORD that no later than June 5, 2017, Attorney Haney shall file copies of the requests for transcripts and the supplemental document described above.<br>See SUA event filed on 5-17-2017   |
| OCCD | CA | 05-17-2017 | Sua Sponte                      | Filed By: Unassigned District 1<br>Submit Date: 5-17-2017<br>Decision: (O) Other<br>Decision Date: 6-9-2017<br>IT IS ORDERED that, no later than June 23, 2017, Court Reporter Gloria Weber shall file the transcript of proceedings held on the morning of July 13, 2015, or, by that same date, file a status report regarding preparation of the transcript.<br>Motion Response<br>Filed By: Robert Haney<br>Submit Date: 6-8-2017<br>This motion contains court order(s).<br>Comment: SUP not rcvd. - per TC clerk CR Weber has not filed transcript |
| OCCD | CA | 05-01-2017 | Other Papers                    | Comment: applnt. requests copy of docket card, mailed 5/1/17   |
| OCCD | CA | 03-14-2017 | Letter/Correspondence           | Comment: applnt. requests copy of docket card, mailed 3/14/17  |
| OCCD | CA | 03-03-2017 | Motion for Miscellaneous Relief | Filed By: Robert Haney<br>Submit Date: 3-3-2017<br>Decision: (G) Grant<br>Decision Date: 3-14-2017<br>IT IS ORDERED that the deadline for filing the transcript of the above-described hearing held on July 13, 2015, is extended until April 25, 2017. IT IS FURTHER ORDERED that the clerk of the circuit court shall include the transcript of the hearing held July 13, 2015, in the appellate record no later than five days after the date the transcript is filed. IT IS FURTHER ORDERED that the deadline for filing the                         |



appellant's brief is extended until ten days from the date the appellate record is supplemented.  
Comment: MXT to file transcripts, supplementing the record, and file BAP

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OCCD CA 02-27-2017 Motion to Extend Time  
Filed By: Robert Haney  
Submit Date: 2-27-2017  
Decision: (G) Grant  
Decision Date: 2-28-2017  
ORD that the time for the appellant to file an appellant's brief is extended until March 6, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).  
See BAP event due on 3-6-2017

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OCCD CA 02-22-2017 Delinquent  
Comment: New due date of connected BAP: 3-1-2017

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OCCD CA 02-21-2017 Letter/Correspondence  
Comment: applnt. requests another copy of docket card, questions when brief is due, 2/22/16 docket card mailed

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OCCD CA 02-03-2017 Letter/Correspondence  
Comment: applnt. requests copy of docket sheet; 2/8/17 - docket sheet provided

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OCCD CA 01-06-2017 Hold Status

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OCCD CA 01-04-2017 Sua Sponte  
Filed By: Unassigned District 1  
Submit Date: 1-4-2017  
Decision: (O) Other  
Decision Date: 1-6-2017  
ORD that the previously imposed hold in this matter is lifted.  
FRO that the appellant's brief and appendix shall be filed w/in 40 days of the date of this order.  
Comment: SPD appointment letter rcv'd 11-30-2016, lift hold and reset BAP due date?

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OCCD CA 11-30-2016 Received SPD Appointment Order  
Comment: for Atty. Robert Haney

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OCCD CA 11-30-2016 Response  
Comment: due from successor counsel advising this court of his or her appointment.

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OCCD CA 10-18-2016 Sua Sponte  
Filed By: Unassigned District 1  
Submit Date: 10-18-2016  
Decision: (O) Other  
Decision Date: 10-20-2016  
IT IS ORDERED that the public defenders letter of October 18, 2016, is accepted as filed. IT IS FURTHER ORDERED that successor counsel shall be appointed for Garcia within thirty days from the date of this order. IT IS FURTHER ORDERED that successor counsel shall advise this court within five days after his or her appointment in this matter. IT IS FURTHER ORDERED that the public defender

shall provide a copy of this order to successor counsel in this matter.

11/7/16 - Amended as to parties

Comment: Letter from SPD, action?

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OCCD CA 10-18-2016 Response  
Comment: per 10/13/16 cto - SPD to provide status report

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OCCD CA 10-11-2016 Motion to Extend Time  
Filed By: Jason Sanders  
Submit Date: 10-12-2016  
Decision: (O) Other  
Decision Date: 10-13-2016  
ORD that Attorney Sanders' motion to withdraw is granted.  
FRO that the SPD shall file a status report regarding the appointment of successor counsel for Garcia no later than October 24, 2016.  
FRO that this appeal is held in abeyance pending further order of this court.  
See BAP event due on 10-12-2016

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OCCD CA 10-11-2016 Motion to Withdraw as Counsel  
Filed By: Jason Sanders  
Submit Date: 10-12-2016  
Decision: (G) Grant  
Decision Date: 10-13-2016  
ORD that Attorney Sanders' motion to withdraw is granted.  
FRO that the SPD shall file a status report regarding the appointment of successor counsel for Garcia no later than October 24, 2016.  
FRO that this appeal is held in abeyance pending further order of this court.

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OCCD CA 09-07-2016 Court Order  
IT IS ORDERED that the time to file a notice of appeal is extended to June 20, 2016.

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OCCD CA 09-02-2016 Sealed Documents  
Comment: Sealed #51

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OCCD CA 09-02-2016 Record  
Comment: ELECTRONICALLY FILED; 1-2 to 95-1

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OCCD CA 08-31-2016 Delinquent  
Comment: New due date of connected REC: 9-15-2016

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OCCD CA 08-01-2016 Other Papers  
Comment: CRS - CR Nelson serves 2/26/15 transcripts 7/29/16

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OCCD CA 06-27-2016 Fee Waived  
Comment: SPD

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OCCD CA 06-27-2016 Received SPD Appointment Order

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| OCCD | CA | 06-27-2016 | Notif. Sent-Filing of NAP & Ct. Record |
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| OCCD | CA | 06-27-2016 | Notice of Appeal & Circuit Court Docket Entries |
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| OCCD | CA | 06-27-2016 | X Transfer |
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| OCCD | CA | 06-20-2016 | Notice of Appeal filed in Cir. Ct. |
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| OCCD | CA | 06-17-2016              | Statement on Transcript |
|      |    | Filed By: Jason Sanders |                         |
|      |    | Status: Prev. Filed     |                         |

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|------|----|--|---------------------------------|
| OCCD | CA | 03-09-2016   | Miscellaneous Motion on XX-Case |
|      |    | Filed By: Jason Sanders  |                                 |
|      |    | Submit Date: 3-10-2016   |                                 |
|      |    | Decision: (G) Grant  |                                 |
|      |    | Decision Date: 3-11-2016   |                                 |
|      |    | IT IS ORDERED that the deadline for Court Reporter Duchrow to file her transcripts in this matter is extended to April 11, 2016. |                                 |
|      |    | Comment: Motion for clarification of deadline, or, in alternate, motion for extension of deadline                                |                                 |

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|------|----|--|-------------------------------------|
| OCCD | CA | 11-24-2015   | Mot. Extend Time to file Transcript |
|      |    | Filed By: Katherine Nelson   |                                     |
|      |    | Submit Date: 11-24-2015  |                                     |
|      |    | Decision: (G) Grant  |                                     |
|      |    | Decision Date: 11-30-2015  |                                     |
|      |    | ORD that the deadline for Court Reporter Nelson to file transcripts in this matter is extended through February 5, 2016. See Wis. Stat. Rule 809.82(2)(a) (2013-14). |                                     |

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| OCCD | CA | 08-20-2015 | Judgment of Circuit Court |
|------|----|------------|---------------------------|

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