Wisconsin Supreme Court and Court of Appeals Case Access

State v. David Gutierrez

Appeal Number 2017AP002364 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	07-08-2020		Remittitur
	Comment: NRI sent by UPS			
OCCD	SC	06-03-2020		Cites
	391 Wis. 2d 799			
OCCD	SC	06-03-2020		Cites
	943 N.W.2d 870			
OCCD	SC	06-03-2020		Opinion/Decision
	Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Kelly, Dallet, Hagedorn Opinion: Opinion Decision: Affirmed in part, reversed In part Pages: 24 Written by: Dallet, Rebecca F. Hagedorn, Brian K. Took No Part Bradley, Ann Walsh Took No Part Order Text: IT IS ORDERED the decision of the court of appeals is affirmed in part and reversed in part. Comment: Opinion/Decision			
OCCD	SC	06-02-2020		Public Domain Citation
	Comment: PDC No: 2020 WI 52			
OCCD	SC	02-10-2020		Oral Argument
	Comment: 1st case, 9:45 a.m., Attorney Daniel J. O'Brien for PLA-RES-PET, Attorney Chris A. Gramstrup for DEF-APP.			
OCCD	SC	01-29-2020		Briefs Received At State Law Library
OCCD	SC	01-27-2020		Reply Brief-Supreme Court Reply Brief - Supreme Court
	Filed By: 10264 (O'Brien, Daniel)			

OCCD	SC	01-21-2020	Certificate of Filing by Mail

Comment: RE: Response Brief - Supreme Court, (IB), Mailed 1-15-2020

OCCD	SC	01-21-2020	E-Filing Certification

Comment: Received separate e-certification for e-brief filed 01-21-2020.

OCCD	SC	01-21-2020	Response Brief-Supreme Court Response Brief - Supreme Court

Filed By: Chris Gramstrup
Comment: Received separate e-file certification pursuant to Rule 809.19(12). Appx to Response Brief-Supreme Court

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OCCD	SC	01-10-2020	Motion to Extend Time

Filed By: Chris Gramstrup
Submit Date: 1-10-2020
Decision: (G) Grant
Decision Date: 1-10-2020
ORD that the motion is granted, in part. Defendant-appellant's response brief shall be served and filed on or before January 15, 2020. Plaintiff-respodnent-petitioner's reply brief, or a statement that no reply brief will be filed, must be filed within 10 days of the filing of the response brief. All briefing shall be completed no later than January 27, 2020. The court will not alter the scheduled February 10, 2020 oral argument.
Brian K. Hagedor, J., did no participate.
See BR2 event due on 1-15-2020

OCCD	SC	12-30-2019	Briefs Received At State Law Library

OCCD	SC	12-20-2019	Assigned-Oral Argument

OCCD	SC	12-12-2019	First Brief-Supreme Court First Brief - Supreme Court

Filed By: 10264 (O'Brien, Daniel)

OCCD	SC	11-13-2019	Caption Amended

OCCD	SC	11-13-2019	Court Changed to Supreme Court

OCCD	CA	09-17-2019	Final Publication

OCCD	CA	08-28-2019	Cites

388 Wis. 2d 312

OCCD	CA	08-28-2019	Cites

933 N.W.2d 133

OCCD	CA	08-28-2019	Opinion Ordered Published

OCCD	CA	08-28-2019	Public Domain Citation

Comment: PDC No: 2019 WI App 41

OCCD	SC	08-05-2019	Fee Waived

Comment: State

OCCD	SC	08-02-2019	Petition for Review

Filed By: 10264 (O'Brien, Daniel)
Submit Date: 8-28-2019
Decision: (G) Grant
Decision Date: 11-13-2019
ORD petition for review granted. Briefs/statements 30/20/10

OCCD	CA	07-03-2019	Opinion/Decision

Judge Panel: Gundrum, Hagedorn, Reilly
Opinion: Opinion
Decision: Reversed and remanded Pages: 11
Written by: Reilly, Paul F.
Hagedorn, Brian K. Wrote Dissenting Opinion 9 pages.
Order Text: Judgment and order reversed and cause remanded

OCCD	CA	01-29-2019	Submitted on Briefs

OCCD	CA	11-26-2018	Motion for Miscellaneous Relief

Filed By: Chris Gramstrup
Submit Date: 11-26-2018
Decision: (G) Grant
Decision Date: 11-27-2018
ORD that the motion to waive the electronic filing requirement is granted.
Comment: Motion to waive e-filing requirements

OCCD	CA	11-26-2018	Response

Comment: BRY efiled?

OCCD	CA	11-23-2018	Briefs Received At State Law Library

OCCD	CA	11-21-2018	Sua Sponte

Filed By: Unassigned District 2
Submit Date: 11-21-2018
Decision: (O) Other
Decision Date: 11-27-2018
ORD that the motion to waive the electronic filing requirement is granted.
Comment: BRY not efiled

OCCD	CA	11-09-2018	Other Papers

Comment: Notice: A paper copy of the Reply Brief has been filed by the appellant's attorney with minor corrections to the cover (the case number was corrected). This document has not been properly filed in

electronic form as required by WIS. STAT. RULE 809.19(12). Counsel shall file a corrected copy of the document in electronic form within 5 days of the date of this order. Failure to file the corrected document in electronic form may result in the imposition of a penalty under WIS. STAT. RULE 809.83(2). See also WIS. STAT. RULE 809.80(5)(b).

OCCD CA 11-06-2018 Record and Briefs Sent to District 2

OCCD CA 11-02-2018 Reply Brief
Reply Brief

Filed By: Chris Gramstrup

Comment: Please note that the appeal number was corrected on all briefs. Reply Brief

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OCCD CA 10-12-2018 Brief of Respondent(s)
Brief of Respondent

Filed By: 10264 (O'Brien, Daniel)

OCCD CA 09-27-2018 Motion to Extend Time

Filed By: 10264 (O'Brien, Daniel)
Submit Date: 9-27-2018
Decision: (G) Grant
Decision Date: 10-1-2018
ORD that the time for the respondent to file its brief is extended to October 12, 2018. SEE WIS. STAT. RULE 809.82(2)(a).
See BRS event due on 10-12-2018

OCCD CA 09-12-2018 Motion to Extend Time

Filed By: 10264 (O'Brien, Daniel)
Submit Date: 9-12-2018
Decision: (G) Grant
Decision Date: 9-14-2018
ORD that the time for the respondent to file its respondent's brief is extended to September 27, 2018. SEE WIS. STAT. RULE 809.82(2)(a).
See BRS event due on 9-27-2018

OCCD CA 08-13-2018 Motion to Extend Time

Filed By: 10264 (O'Brien, Daniel)
Submit Date: 8-13-2018
Decision: (G) Grant
Decision Date: 8-15-2018
ORD that the time for the respondent to file its brief is extended to 9-12-2018. See Wis. Stat. Rule 809.82(2)(a).
See BRS event due on 9-12-2018

OCCD CA 08-02-2018 Statement on Transcript

Filed By: Chris Gramstrup
Status: Prev. Filed
Comment: Additional; 2/3/17 transcript filed 7/10/18 per 7/13/18 CRS

OCCD CA 07-20-2018 Delinquent

Comment: New due date of connected SRT: 7-27-2018

OCCD CA 07-13-2018 Other Papers

Comment: CRS: 2/3/17 transcript filed 7/10/18; CR Marjorie Kurtz

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OCCD CA 07-13-2018 Supplement to Record

Comment: 122-1 to 127-12, ELECTRONICALLY FILED

OCCD CA 06-20-2018 Motion to Correct/Supplement Record

Filed By: 10264 (O'Brien, Daniel)
Submit Date: 6-21-2018
Decision: (O) Other
Decision Date: 6-26-2018
ORD that the respondent's motion to compel the appellant to supplement the record with the transcript of the February 3, 2017 oral ruling is granted.
FRO that the appellant's counsel shall file another statement on transcript concerning the February 3, 2017 oral ruling no later than July 10, 2018.
FRO that the court reporter shall serve and file the supplemental transcript within twenty days of the date of this order. See Wis. Stat. Rule 809.11(7)(a).
FRO that the clerk of the circuit court shall transmit the supplemental transcript to the clerk of this court as part of a supplemental return to the record within seven days of its filing.
FRO that the time for the respondent to file its brief is extended to thirty days after the filing of the supplemental return. See Wis. Stat. Rule 809.82(2)(a).
Comment: with 2/3/17 transcript & MXT to file BRS

OCCD CA 06-05-2018 Attorney Change

Comment: AAG Daniel J. O'Brien for State per letter of appearance. Criminal Appeals Unit removed.

OCCD CA 05-22-2018 Brief & Appx of Appellant(s)
Brief of Appellant

Filed By: Chris Gramstrup

Comment: Note that the district number has been added to all briefs. Please use this number on all future correspondence. Additionally, a back cover has been added to this brief. Note that covers include a front and back cover, pursuant to Rule 809.19(9). Received separate e-file certification pursuant to Rule 809.19(12). Appx to Brief of Appellant(s)

OCCD CA 05-21-2018 Motion to Extend Time

Filed By: Chris Gramstrup
Submit Date: 5-23-2018
Decision: (N) No Action
Decision Date: 5-30-2018
no action
See BAP event due on 5-25-2018

OCCD CA 05-16-2018 Delinquency Motion

Filed By: Unassigned District 2
Submit Date: 5-16-2018

Decision: (O) Other
Decision Date: 5-17-2018
ORD that the required number of appellant's briefs and appendices shall be filed no later than May 25, 2018. Failure to comply with this order will result in the imposition of sanctions, monetary or otherwise, upon appellate counsel.
See BAP event due on 4-24-2018

OCCD CA 04-10-2018 Supplement to Record

Comment: 120-86 to 121-1 ELECTRONICALLY FILED

OCCD CA 03-30-2018 Motion to Correct/Supplement Record

Filed By: Chris Gramstrup
Submit Date: 3-30-2018
Decision: (G) Grant
Decision Date: 4-2-2018
ORD that the appellant's motion to supplement the record is granted. Within ten days of the date of this order, the clerk of the circuit court shall transmit the material described above to the clerk of court of appeals as part of a supplemental return to the record.
FRO that the time for the appellant to file his appellant's brief is extended to ten days after the filing of the supplemental return. See Wis. Stat. Rule 809.82(2)(a).
Comment: transcript 12-9-16

OCCD CA 03-12-2018 Motion to Extend Time

Filed By: Chris Gramstrup
Submit Date: 3-21-2018
Decision: (G) Grant
Decision Date: 3-22-2018
ORD that the appellant's brief shall be filed on or before April 10, 2018.
See BAP event due on 4-10-2018

OCCD CA 02-27-2018 Delinquent

Comment: New due date of connected BAP: 3-6-2018

OCCD CA 01-11-2018 Court Order

ORD that the deadline for the trial court to decide the postconviction motion is extended to February 21, 2017.

OCCD CA 01-09-2018 Sealed Documents

Comment: Sealed Document #55

OCCD CA 01-09-2018 Record

Comment: ELECTRONICALLY FILED; 1-11 to 119-21

OCCD CA 01-08-2018 Non-Electronic Record Item

Comment: Exhibit #1: DVD

OCCD CA 12-04-2017 Fee Waived

Comment: SPD appointed.

OCCD	CA	12-04-2017	Notif. Sent-Filing of NAP & Ct. Record
OCCD	CA	12-04-2017	Statement on Transcript

Filed By: Chris Gramstrup
Status: Prev. Filed

OCCD	CA	12-04-2017	Notice of Appeal & Circuit Court Docket Entries
OCCD	CA	12-04-2017	X Transfer
OCCD	CA	12-04-2017	Mot. Extend Time to file NAP/PCM

Filed By: Chris Gramstrup
Submit Date: 12-4-2017
Decision: (G) Grant
Decision Date: 12-13-2017
ORD that the time to file a notice of appeal is retroactively extended to November 28, 2017; the notice of appeal is deemed timely filed.

OCCD	CA	11-28-2017	Notice of Appeal filed in Cir. Ct.
OCCD	CA	02-28-2017	Received SPD Appointment Order

Comment: Attorney Chris Gramstrup Received SPD Appointment Order; received additional copy of SPD appointment order 12/4/17

OCCD	CA	02-21-2017	Order of Circuit Court
OCCD	CA	02-09-2017	Attorney Change

Comment: DA Christianson for former DA Sargent

OCCD	CA	02-09-2017	Motion to Withdraw as Counsel

Filed By: John Pray
Submit Date: 2-9-2017
Decision: (O) Other
Decision Date: 2-10-2017
ORD that no action is taken on the motion to withdraw.
FRO that the time for filing a notice of appeal is extended to 60 days from the date that the circuit court enters a written order denying the postconviction motion. See Wis. Stat. Rule 809.82(2)(a).
Comment: and extend time to file NAP Motion to Withdraw as Counsel

OCCD	CA	12-13-2016	Mot. Extend Time to Decide Postconviction Motion

Filed By: John Pray
Submit Date: 12-13-2016
Decision: (G) Grant
Decision Date: 12-14-2016

ORD that the tine for deciding the defendant's postconviction motion is extended to 2-13-2017. See Wis. Stat. Rule 809.82(2)(a)(2013-14).
Comment: Dec 14, 2016 CTO MXT to Decide Postconviction Motion

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OCCD CA 10-03-2016 Attorney Change

Comment: Removed AAG Weber; Added Criminal Appeals Unit

OCCD CA 10-03-2016 Mot. Extend Time to Decide Postconviction Motion

Filed By: John Pray
Submit Date: 10-3-2016
Decision: (G) Grant
Decision Date: 10-12-2016
ORD that the time for deciding the defendant's postconviction motion is extended to 12-23-2016. See Wis. Stat. Rule 809.82(2)(a)(2013-14).
Comment: Oct 12, 2016 CTO MXT to Decide Postconviction Motion

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OCCD CA 06-16-2016 Mot. Extend Time to file NAP/PCM

Filed By: John Pray
Submit Date: 6-17-2016
Decision: (G) Grant
Decision Date: 6-20-2016
ORD that the time for filing a notice of appeal or postconviction motion is extended to 8-17-2016. See Wis. Stat. Rule 809.82(2)(a)(2013-14).
Comment: Jun 20, 2016 CTo MXT to file NAP/PCM

OCCD CA 05-02-2016 Miscellaneous Motion on XX-Case

Filed By: John Pray
Submit Date: 5-2-2016
Decision: (G) Grant
Decision Date: 5-5-2016
ORD that the time for requesting transcripts under Wis. Stat. Rule 809.30(2)(e) is extended to 4-13-0216. See Wis. Stat. Rule 809.82(2)(a).
Comment: extend deadline to request transcripts and clarification of deadline to file PCM/NAP May 5, 2016 CTO Miscellaneous Motion on XX-Case

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OCCD CA 11-02-2015 Mot. Extend Time to file Transcript

Filed By: Marjorie Kurtz
Submit Date: 11-2-2015
Decision: (G) Grant
Decision Date: 11-3-2015
ORD that the time for filing the transcripts in this case is extended to January 4, 2016. See Wis. Stat. Rule 809.11(7)(c).
Comment: Nov 3, 2015 CTO MXT to file Transcript

OCCD CA 07-15-2015 Judgment of Circuit Court
