

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Antonio L. Simmons

Appeal Number 2018AP000591 - CR

Court of Appeals District 1

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	04-14-2023		Letter/Correspondence Comment: Letter from Atty. Meyeroff requesting case be re-converted to e-file status.
OCCD	SC	03-15-2021		Motion for Reconsideration Filed By: Robert Meyeroff Submit Date: 3-15-2021 Decision: (M) Dismiss Decision Date: 3-17-2021 IT IS ORDERED the motion is dismissed. No costs.
OCCD	CA	02-25-2021		Remittitur
OCCD	SC	02-03-2021		Letter/Correspondence Comment: Atty. Meyeroff filing response in opposition to petition for review
OCCD	SC	01-19-2021		Motion for Miscellaneous Relief Filed By: Robert Meyeroff Submit Date: 1-19-2021 Decision: (G) Grant Decision Date: 1-21-2021 IT IS ORDERED that the motion is granted. Defendant-appellant-petitioner's reply shall be served and filed on or before February 4, 2021.
OCCD	SC	12-10-2020		Fee Paid Comment: Invoice No: 19659; Receipt No: 20R 002458
OCCD	SC	12-10-2020		Invoice Issued Comment: Invoice No: 19659
OCCD	SC	12-01-2020		Motion for Miscellaneous Relief Filed By: Donald Latorraca Submit Date: 12-2-2020 Decision: (G) Grant

Decision Date: 12-8-2020

IT IS ORDERED that the motion is granted. Plaintiff-respondent's response shall be served and filed on or before December 23, 2020.

Comment: ext. time to file response to PRE MMS - ext. time to file response to PRE 12/8/20 Court Order

OCCD SC 11-19-2020

Petition for Review

[Response in opposition to petition for review](#)

Filed By: Robert Meyeroff

Submit Date: 12-23-2020

Decision: (D) Deny

Decision Date: 2-24-2021

ORD that the petition for review is denied, without costs.

Motion Response

Filed By: Donald Latorraca

Submit Date: 12-23-2020

Motion Response

Filed By: Robert Meyeroff

Submit Date: 2-3-2021

Comment: Reinstated per 11/19/20 CTO Petition for Review

OCCD SC 10-19-2020

Letter/Correspondence

Comment: Atty. Meyeroff advises his motion and affidavit were incorrectly captioned Court of Appeals, will correct if necessary Petition For Review

OCCD SC 10-13-2020

Motion for Miscellaneous Relief

Filed By: Robert Meyeroff

Submit Date: 10-13-2020

Decision: (O) Other

Decision Date: 11-19-2020

IT IS ORDERED that the request is denied. The 30-day period in which to file a petition for review may not be enlarged. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979);

IT IS FURTHER ORDERED that the motion shall be construed as a petition for writ of habeas corpus having been filed on behalf of petitioner, State of Wisconsin ex rel. Antonio L. Simmons, assigned case number 2020AP1910-W and considered by this court;

IT IS FURTHER ORDERED that the petition for writ of habeas corpus is granted and the relief requested in the petition is granted, namely, that the petition for review filed in State v. Simmons, No. 2018AP591-CR, shall be reinstated and deemed timely-filed. See State ex rel. Nichols v. Litscher, 2001 WI 199, 247 Wis. 2d 1013, 635 N.W.2d 292; State ex rel. Schmelzer v. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 (1996);

IT IS FURTHER ORDERED that the State may file a response to the petition for review filed in State v. Simmons, No. 2018AP591-CR, no later than 14 days from the date of this order;

IT IS FURTHER ORDERED that the court will consider the documents filed in this matter and a decision on the petition for review will issue in due course.

Comment: Motion to allow late filing of PRE

OCCD SC 09-18-2020

Sua Sponte

Filed By: Unassigned District 1

Submit Date: 9-18-2020

Decision: (M) Dismiss

Decision Date: 9-25-2020

ORD that the petition for review is dismissed, without costs.

OCCD CA	08-31-2020	Cites
948 N.W.2d 490		

OCCD CA	08-31-2020	Cites
393 Wis. 2d 839		

OCCD CA	08-31-2020	Opinion Ordered Unpublished
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OCCD CA	08-10-2020	Motion for Reconsideration
Filed By: Robert Meyeroff		
Submit Date: 8-11-2020		
Decision: (D) Deny		
Decision Date: 8-17-2020		
IT IS ORDERED that the motion for reconsideration is denied.		
Comment: 7/21/20 DEC Court Order dated 8/17/20		

OCCD SC	08-06-2020	Motion to Waive Filing Requirements
Filed By: Robert Meyeroff		
Submit Date: 8-7-2020		
Decision: (G) Grant		
Decision Date: 8-11-2020		
ORD that the motion is granted. Defendant-appellant's petition for review may not exceed 11,000 words in length.		
Comment: Exceed page/word limit		

OCCD CA	07-21-2020	Opinion/Decision
Judge Panel: Brash, Donald, White		
Opinion: Opinion		
Decision: Affirmed Pages: 15		
Written by: Brash, William W.		
Order Text: Orders affirmed		

OCCD CA	05-27-2020	Submitted on Briefs
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OCCD CA	03-04-2020	Briefs Received At State Law Library
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OCCD CA	02-18-2020	Record and Briefs Sent to District 1
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OCCD CA	02-18-2020	Reply Brief
		Defendant-Appellant's Reply Brief
Filed By: Robert Meyeroff		

OCCD CA	01-29-2020	Motion to Extend Time
Filed By: Robert Meyeroff		

Submit Date: 1-29-2020

Decision: (G) Grant

Decision Date: 1-31-2020

ORD that the deadline for Simmons to file a reply brief is extended through February 21, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRY event due on 2-21-2020

OCCD CA 12-20-2019

Motion to Extend Time

Filed By: Robert Meyeroff

Submit Date: 12-20-2019

Decision: (G) Grant

Decision Date: 12-23-2019

ORD that the deadline for Simmons to file a reply brief is extended through January 31, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRY event due on 1-31-2020

OCCD CA 12-10-2019

Brief of Respondent(s)

[Plaintiff-Respondent's Brief](#)

Filed By: Donald Latorraca

OCCD CA 11-25-2019

Motion to Extend Time

Filed By: Donald Latorraca

Submit Date: 11-25-2019

Decision: (G) Grant

Decision Date: 11-27-2019

ORD that the time for the respondent to file a respondent's brief is extended to December 12, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 12-12-2019

OCCD CA 10-28-2019

Brief & Appx of Appellant(s)

[Brief of Appellant \(Redacted\)](#)

Filed By: Robert Meyeroff

Comment: Separate Appendix; Replacement Brief

OCCD CA 10-18-2019

Motion to Extend Time

Filed By: Robert Meyeroff

Submit Date: 10-18-2019

Decision: (G) Grant

Decision Date: 10-21-2019

ORD that the time for the appellant to file a redacted appellant's brief is extended until October 31, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BAP event due on 10-31-2019

OCCD CA 09-27-2019

Interim Motion for Reconsideration

Filed By: Robert Meyeroff

Submit Date: 9-27-2019

Decision: (D) Deny

Decision Date: 10-8-2019

IT IS ORDERED that the motion for reconsideration is denied. IT IS FURTHER ORDERED that Simmons shall file and serve an appellants brief that complies with WIS. STAT. RULE 809.86(4) no

later than October 21, 2019. Attorney Meyeroff shall also file the brief electronically as required by WIS. STAT. RULE 809.19(12).
Comment: of the 9-19-2019 CTO

OCCD CA 09-17-2019 Motion to Strike
Filed By: Donald Latorraca
Submit Date: 9-18-2019
Decision: (G) Grant
Decision Date: 9-19-2019
ORD that the motion to strike is granted and the appellants' brief is stricken.
FRO that Simmons shall file and serve an appellant's brief that complies with Wis. Stat. Rule 809.86(4) no later than October 3, 2019. Attorney Meyeroff shall also file the brief electronically as required by Wis. Stat. Rule 809.19(12).
FRO that the deadline for the State to file its brief is thirty days from the date the appellant files an appellant's brief that complies with Wis. Stat. Rule 809.86(4).
Comment: appellant's brief identifies victims

OCCD CA 08-20-2019 Motion to Extend Time
Filed By: Donald Latorraca
Submit Date: 8-20-2019
Decision: (G) Grant
Decision Date: 8-22-2019
ORD that the deadline for the State to file its respondent's brief in this matter is extended to September 25, 2019.
See BRS event due on 9-25-2019

OCCD CA 07-24-2019 Brief & Appx of Appellant(s)
Filed By: Robert Meyeroff

Comment: Separate appendix previously filed.

OCCD CA 07-08-2019 Attorney Change
Comment: AAG Latorraca appears for State per ltr. of representation

OCCD CA 05-17-2019 Motion to Strike
Filed By: Tiffany Winter
Submit Date: 5-17-2019
Decision: (G) Grant
Decision Date: 6-4-2019
IT IS ORDERED that the motion to strike is granted and the appellant's brief is struck. IT IS FURTHER ORDERED that Simmons shall file and serve a compliant appellant's brief no later than August 5, 2019.
Motion Response
Filed By: Robert Meyeroff
Submit Date: 5-29-2019
Comment: the Defendant-Appellant's brief

OCCD CA 04-26-2019 Motion to Extend Time
Filed By: Tiffany Winter
Submit Date: 4-26-2019
Decision: (G) Grant
Decision Date: 4-29-2019

ORD that the deadline for the State to file its brief is extended through May 31, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).
See BRS event due on 5-31-2019
Comment: 2

OCCD CA 04-15-2019 Separate Appendix
Filed By: Robert Meyeroff

Comment: Please be advised briefs and appendices must comply with Wis. Stat. Rule 809.19(8)(4) regarding being properly bound. Separate Appendix of Appellant(s)

OCCD CA 04-15-2019 Hold Status

OCCD CA 04-03-2019 Motion to Extend Time

Filed By: Tiffany Winter

Submit Date: 4-4-2019

Decision: (D) Deny

Decision Date: 4-5-2019

IT IS ORDERED that the motion to extend an April 9, 2019 briefing deadline is denied.

See BRS event due on 5-1-2019

OCCD CA 04-02-2019 Response

Comment: supplement of the motion to correct the brief and appendix is due per the 4-1-2019 CTO.

OCCD CA 03-25-2019 Court Order

IT IS ORDERED that, no later than April 1, 2019, Attorney Meyeroff shall supplement the motion to correct the consolidated brief and appendix as discussed above. IT IS FURTHER ORDERED that, pursuant to WIS. STAT. RULE 809.14(3)(a) (2017-18), this matter is held in abeyance pending resolution of the motion filed on March 21, 2019.

See SUA event filed on 3-21-2019

OCCD CA 03-21-2019 Sua Sponte

Filed By: Unassigned District 1

Submit Date: 3-21-2019

Decision: (O) Other

Decision Date: 4-4-2019

IT IS ORDERED that the March 21, 2019 motion to correct the brief and appendix is denied.

IT IS FURTHER ORDERED that the appendix filed on March 8, 2019, with the appellants brief-in-chief is struck. The clerk of this court shall remove the appendix from each paper copy of the brief received on March 8, 2019.

IT IS FURTHER ORDERED that, no later than April 15, 2019, Simmons shall file ten copies of a corrected appendix, each with a white cover. The corrected appendix shall not include current appendix exhibits 177, 178, or 179, and shall not include any items outside of the record unless the rules of appellate procedure permit or require the appendix to include such items. See id.

IT IS FURTHER ORDERED that the hold in place pursuant to WIS. STAT. RULE 809.14(3)(a) (2017-18) is lifted effective on the date that Simonss corrected appendix is accepted for filing.

IT IS FURTHER ORDERED that the respondents brief is due sixteen days after Simonss corrected appendix is accepted for filing and that further briefing deadlines shall be governed by the rules of appellate procedure.

Motion Response

Filed By: Robert Meyeroff
Submit Date: 4-2-2019
This motion contains court order(s).
Comment: request to modify accepted brief, action?

OCCD CA 03-13-2019 Attorney Change
Comment: Per notice of appearance added Tiffany M. Winter as counsel for the State

OCCD CA 03-08-2019 Brief & Appx of Appellant(s)
Filed By: Robert Meyeroff

OCCD CA 02-11-2019 Motion to Extend Time
Filed By: Robert Meyeroff
Submit Date: 2-11-2019
Decision: (G) Grant
Decision Date: 2-12-2019
ORD that the deadline for Simmons to file a brief and appendix is extended through March 11, 2019.
See Wis. Stat. Rule 809.82(2)(a) (2017-18).
See BAP event due on 3-11-2019
Comment: 6

OCCD CA 01-09-2019 Motion to Extend Time
Filed By: Robert Meyeroff
Submit Date: 1-9-2019
Decision: (G) Grant
Decision Date: 1-10-2019
ORD that the time for the appellant to file an appellant's brief is extended until February 11, 2019. See
Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BAP event due on 2-11-2019
Comment: 5

OCCD CA 11-26-2018 Motion to Extend Time
Filed By: Robert Meyeroff
Submit Date: 11-26-2018
Decision: (G) Grant
Decision Date: 11-28-2018
ORD that the deadline fro Simmons to file the appellant's brief and appendix in this matter is extended
to January 11, 2019.
See BAP event due on 11-26-2018
Comment: 4

OCCD CA 10-24-2018 Motion to Extend Time
Filed By: Robert Meyeroff
Submit Date: 10-24-2018
Decision: (G) Grant
Decision Date: 10-25-2018
IT IS ORDERED that the time for the appellant to file an appellant's brief is extended until November 26,
2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BAP event due on 11-26-2018
Comment: 3

OCCD CA	08-06-2018	Motion for Remand
Filed By: Robert Meyeroff Submit Date: 8-6-2018 Decision: (D) Deny Decision Date: 9-26-2018 ORD that the motion for remand is denied. FRO that the deadline for filing the appellant's brief and appendix in this matter is extended to October 26, 2018.		
OCCD CA	07-23-2018	Motion to Extend Time
Filed By: Robert Meyeroff Submit Date: 7-23-2018 Decision: (G) Grant Decision Date: 7-24-2018 ORD that the deadline for Simmons to file a brief and appendix is extended through August 27, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16). See BAP event due on 8-27-2018 Comment: 2		
OCCD CA	06-25-2018	Motion to Extend Time
Filed By: Robert Meyeroff Submit Date: 6-25-2018 Decision: (G) Grant Decision Date: 6-26-2018 ORD that the deadline for Simmons to file the appellant's brief and appendix is extended to July 25, 2018. See BAP event due on 7-25-2018		
OCCD CA	05-17-2018	Sealed Documents
Comment: #12, #13		
OCCD CA	05-17-2018	Record
Comment: 1-3 to 147-79, ELECTRONICALLY FILED		
OCCD CA	04-09-2018	Fee Paid
Comment: Invoice No: 18648; Receipt No: 18R 000868		
OCCD CA	04-09-2018	Invoice Issued
Comment: Invoice No: 18648		
OCCD CA	03-30-2018	Statement on Transcript
Filed By: Robert Meyeroff Status: Not Needed		
OCCD CA	03-29-2018	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	03-29-2018	Notice of Appeal & Circuit Court Docket Entries

WSCCA Case History

OCCD CA	03-28-2018	Notice of Appeal filed in Cir. Ct.
OCCD CA	03-28-2018	Notice of Appeal filed in Cir. Ct.
OCCD CA	03-09-2018	Order of Circuit Court
OCCD CA	02-20-2018	Order of Circuit Court
OCCD CA	07-21-2017	Order of Circuit Court