

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Robert Daris Spencer

Appeal Number 2018AP000942 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	08-18-2022		Remittitur
OCCD	SC	07-06-2022		Cites
		403 Wis. 2d 86		
OCCD	SC	07-06-2022		Cites
		976 N.W.2d 383		
OCCD	SC	07-06-2022		Opinion/Decision
		Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky		
		Opinion: Opinion		
		Decision: Affirmed in part, reversed In part Pages: 37		
		Written by: Bradley, Rebecca Grassl		
		Bradley, Ann Walsh Wrote Dissenting Opinion 14 pages.		
		Dallet, Rebecca F. Joined Dissenting Opinion		
		Karofsky, Jill Joined Dissenting Opinion		
		Dallet, Rebecca F. Wrote Dissenting Opinion 6 pages.		
		Karofsky, Jill Joined Dissenting Opinion		
		Order Text: The decision of the court of appeals is affirmed in part and reversed in part.		
		Comment: Opinion/Decision - Supreme Court		
OCCD	SC	07-01-2022		Public Domain Citation
		Comment: PDC No: 2022 WI 56		
OCCD	SC	03-02-2022		Oral Argument
		Comment: at 9:45, first case (in the Capitol Hearing Room). John J. Grau for Defendant-Appellant-Petitioner. Kara Lynn Janson for Plaintiff-Respondent-Cross-Petitioner.		
OCCD	SC	01-27-2022		Briefs Received At State Law Library
OCCD	SC	01-20-2022		Assigned-Oral Argument
OCCD	SC	11-01-2021		Reply Brief-Supreme Court

Filed By: Kara Janson
Comment: State of WI

OCCD SC 11-01-2021

Reply Brief-Supreme Court
[BR3 - Reply Brief DEF-APP-PET \(Spencer\)](#)

Filed By: John Grau
Comment: Spencer

OCCD SC 10-19-2021

Certificate of Filing by Mail

Comment: State of WI - BR2

OCCD SC 10-19-2021

Letter/Correspondence

Comment: Cover letter- State of WI filing BR2 10/21/21 SC Order

OCCD SC 10-19-2021

Response Brief-Supreme Court
[BR2 - Response Brief - State of WI](#)

Filed By: Kara Janson
Comment: State of WI

OCCD SC 10-18-2021

Motion to Extend Time

Filed By: Kara Janson
Submit Date: 10-19-2021
Decision: (G) Grant
Decision Date: 10-21-2021

IT IS ORDERED that the motion is granted. The plaintiff-respondent-cross-petitioner, the State of Wisconsin shall serve and file its reply brief on or before November 1, 2021.
See BR2 event filed on 10-19-2021

OCCD SC 10-04-2021

Response Brief-Supreme Court

Filed By: John Grau
Comment: Spencer. Please note that the e-file certification pursuant to Rule 809.19(12)(f) has been added to this brief. Please include this certification in all briefs.

OCCD SC 10-01-2021

Certificate of Filing by Mail

Comment: State's Motion to ext time

OCCD SC 10-01-2021

Letter/Correspondence

Comment: Cover letter - State's motion to extend time

OCCD SC 10-01-2021

Motion to Extend Time

Filed By: Kara Janson
Submit Date: 10-4-2021
Decision: (G) Grant
Decision Date: 10-5-2021

IT IS ORDERED that the motion is granted. Plaintiff-respondent-cross-petitioner's response brief shall be filed on or before October 19, 2021.
See BR2 event due on 10-19-2021

OCCD	SC	09-13-2021	Certificate of Filing by Mail
Comment: State filing BR1			
OCCD	SC	09-13-2021	Letter/Correspondence
Comment: Cover letter State filing BR1			
OCCD	SC	09-13-2021	First Brief-Supreme Court BR1 - First Brief of Pla-Res-Cross-Pet (State of WI)
Filed By: Kara Janson Comment: State of WI			
OCCD	SC	09-10-2021	First Brief-Supreme Court BR1 - First Brief of Def-App-Pet (Spencer)
Filed By: John Grau Comment: Spencer			
OCCD	SC	08-13-2021	Caption Amended
Comment: Appendix - BR1- Def-App-Pet (Spencer)			
OCCD	SC	08-13-2021	Court Changed to Supreme Court
Comment: 8/13/21 SC Order			
OCCD	SC	05-27-2021	Letter/Correspondence
Comment: Cover letter filing response to Petition for Cross Review			
OCCD	SC	05-14-2021	Letter/Correspondence
Comment: Cover letter filing Response/Petition for Cross Review			
OCCD	SC	05-14-2021	Certificate of Filing by Mail
Comment: Response/Petition for Cross Review (5/14/21)			
OCCD	SC	05-14-2021	Petition for Cross Review Response to Cross-Petition Combined Response and Petition for Cross-Review
Filed By: Kara Janson Submit Date: 5-17-2021 Decision: (G) Grant Decision Date: 8-13-2021 ORD that the petition and cross petition are granted and that pursuant to Wis. Stat. (Rule) 809.62(6), the parties may not raise or argue issues not set forth in the petition for review or the cross petition for review unless ordered by the court; and FRO that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, that the briefs of both			

defendant-appellant-petitioner and plaintiff-respondent-cross-petitioner are due within 30 days following the date of this order; briefs of each party responding to the brief of the other party are due within 20 days following service of the initial brief on the party responding; and reply briefs or statements that no reply brief will be filed are due within 10 days following service of the responding brief on the party replying; 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 briefs 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, if a party has not previously filed an electronic copy of the briefs filed on behalf of that party in the court of appeals, the party, within 30 days after the date of this order, must provide the clerk of this court with 10 copies of the brief previously filed on behalf of that party in the court of appeals; but if the party has already filed an electronic copy of such briefs, then there is no obligation to provide additional copies of those briefs to the clerk of this court; and

FRO that the allowance of costs, if any, in connection with the granting of the petitions will abide the decision of this court on review.

Motion Response

Filed By:

OCCD CA 04-28-2021
397 Wis. 2d 241

Cites

OCCD CA 04-28-2021
959 N.W.2d 74

Cites

OCCD CA 04-28-2021

Opinion Ordered Unpublished

OCCD SC 04-14-2021
Comment: SPD Appointed

Fee Waived

OCCD SC 04-14-2021

Petition for Review

Filed By: John Grau

Submit Date: 5-11-2021

Decision: (G) Grant

Decision Date: 8-13-2021

ORD that the petition and cross petition are granted and that pursuant to Wis. Stat. (Rule) 809.62(6), the parties may not raise or argue issues not set forth in the petition for review or the cross petition for review unless ordered by the court; and

FRO that pursuant to Wis. Stat. (Rules) 809.62(6) and 809.63, that the briefs of both defendant-appellant-petitioner and plaintiff-respondent-cross-petitioner are due within 30 days following the date of this order; briefs of each party responding to the brief of the other party are due within 20 days following service of the initial brief on the party responding; and reply briefs or statements that no reply brief will be filed are due within 10 days following service of the responding brief on the party replying; 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 briefs 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, if a party has not previously filed an electronic copy of the briefs filed on behalf of that party in the court of appeals, the party, within 30 days after the date of this order, must provide the clerk of this

court with 10 copies of the brief previously filed on behalf of that party in the court of appeals; but if the party has already filed an electronic copy of such briefs, then there is no obligation to provide additional copies of those briefs to the clerk of this court; and
FRO that the allowance of costs, if any, in connection with the granting of the petitions will abide the decision of this court on review.

OCCD CA 03-24-2021 Motion for Reconsideration

Filed By: Kara Janson
Submit Date: 3-24-2021
Decision: (D) Deny
Decision Date: 3-25-2021
IT IS ORDERED that the motion for reconsideration is denied.

OCCD CA 03-09-2021 [Opinion/Decision](#)

Judge Panel: White, Dugan, Brash
Opinion: Opinion
Decision: Affirmed/reversed/remanded Pages: 15
Written by: Dugan, Timothy G.
White, Maxine A. Wrote Concur/Dissent Opinion 18 pages.
Order Text: Order affirmed in part; reversed in part and cause remanded with directions

OCCD CA 06-09-2020 Submitted on Briefs

OCCD CA 02-26-2020 Briefs Received At State Law Library

OCCD CA 02-04-2020 Record and Briefs Sent to District 1

OCCD CA 02-03-2020 Certificate of Filing by Mail

Comment: RE: Reply Brief; recieved 10 copies mailed, 01/31/2020.

OCCD CA 02-03-2020 [Reply Brief](#)
[Reply Brief](#)

Filed By: John Grau

Comment: 09-10-2021: Received 10 copies of CA briefs for SC use.

OCCD CA 01-03-2020 Motion to Extend Time

Filed By: John Grau
Submit Date: 1-6-2020
Decision: (G) Grant
Decision Date: 1-8-2020
ORD that the deadline for Spencer 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 12-06-2019 Motion to Extend Time

Filed By: John Grau
Submit Date: 12-6-2019
Decision: (G) Grant

Decision Date: 12-9-2019

IT IS ORDERED that the deadline for Spencer to file a reply brief is extended through January 3, 2020.

See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRY event due on 1-3-2020

OCCD CA 11-22-2019

Brief of Respondent(s)

[Brief of Respondent](#)

Filed By: Kara Mele

OCCD CA 11-15-2019

Motion to Extend Time

Filed By: Kara Mele

Submit Date: 11-18-2019

Decision: (G) Grant

Decision Date: 11-19-2019

ORD that the time for the respondent to file a respondent's brief is extended to November 22, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 11-22-2019

OCCD CA 11-01-2019

Motion to Extend Time

Filed By: Kara Mele

Submit Date: 11-1-2019

Decision: (G) Grant

Decision Date: 11-4-2019

ORD that the time for the respondent to file a respondent's brief is extended to November 15, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 11-15-2019

OCCD CA 10-16-2019

Motion to Extend Time

Filed By: Kara Mele

Submit Date: 10-17-2019

Decision: (G) Grant

Decision Date: 10-18-2019

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

See BRS event due on 10-31-2019

OCCD CA 09-16-2019

Motion to Extend Time

Filed By: Kara Mele

Submit Date: 9-17-2019

Decision: (G) Grant

Decision Date: 9-18-2019

ORD that the time for the respondent to file a respondent's brief is extended to October 16, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 10-16-2019

OCCD CA 09-04-2019

Attorney Change

Comment: per notice of appearance added AAG Kara L. Mele as counsel for the State

OCCD CA 08-13-2019

Certificate of Filing by Mail

Comment: RE: Appellant's Brief, Mailed 8-12-19

OCCD CA	08-13-2019	Brief & Appx of Appellant(s) Brief of Appellant
Filed By: John Grau		
Comment: 09-10-2021: Received 10 copies of CA briefs for SC use.		
OCCD CA	08-09-2019	Motion to Extend Time
Filed By: John Grau		
Submit Date: 8-12-2019		
Decision: (G) Grant		
Decision Date: 8-13-2019		
ORD that the deadline for Spencer to file the appellant's brief and appendix is extended to August 13, 2019.		
See BAP event due on 8-13-2019		
OCCD CA	07-09-2019	Motion to Extend Time
Filed By: John Grau		
Submit Date: 7-9-2019		
Decision: (G) Grant		
Decision Date: 7-12-2019		
ORD that the deadline for Spencer to file a brief-in-chief and appendix is extended through August 9, 2019. Wis. Stat. Rule 809.82(2)(a) (2017-18)		
See BAP event due on 8-9-2019		
OCCD CA	06-04-2019	Motion to Extend Time
Filed By: John Grau		
Submit Date: 6-5-2019		
Decision: (G) Grant		
Decision Date: 6-6-2019		
ORD that Spencer shall file his appellant's brief and appendix in this matter by July 10, 2019.		
See BAP event due on 7-10-2019		
OCCD CA	06-04-2019	Response
Comment: Appellant's response to 2/27/19 CTO		
OCCD CA	06-03-2019	Letter/Correspondence
Comment: to appellant; advising Trammell released; appellant shall advise how appeal should proceed within 10 days of decision Letter from Clerk to Atty Grau		
OCCD CA	05-31-2019	Hold Status
OCCD CA	02-26-2019	Motion for Stay
Filed By: John Grau		
Submit Date: 2-26-2019		
Decision: (G) Grant		
Decision Date: 2-27-2019		
ORD that this matter is held in abeyance pending a decision in State v. Trammell, No. 2017AP1206-CR.		
FRO that, within 10 days of a decision in Trammell, Spence shall advise the court whether, in his view,		

briefing should resume or whether he seeks some other relief.
Comment: Briefing pending SC decision in State v. Trammel

OCCD CA 01-24-2019 Motion to Extend Time
Filed By: John Grau
Submit Date: 1-25-2019
Decision: (G) Grant
Decision Date: 1-28-2019
IT IS ORDERED that the time for the appellant to file an appellant's brief is extended until February 28, 2019. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BAP event due on 2-28-2019

OCCD CA 12-14-2018 Motion to Extend Time
Filed By: John Grau
Submit Date: 12-14-2018
Decision: (G) Grant
Decision Date: 12-17-2018
ORD that the time for the appellant to file an appellant's brief is extended until January 25, 2019. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BAP event due on 1-25-2019

OCCD CA 10-30-2018 Motion to Extend Time
Filed By: John Grau
Submit Date: 10-30-2018
Decision: (G) Grant
Decision Date: 11-1-2018
ORD that the time for the appellant to file an appellant's brief is extended until December 14, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BAP event due on 12-14-2018

OCCD CA 08-30-2018 Motion to Extend Time
Filed By: John Grau
Submit Date: 8-30-2018
Decision: (G) Grant
Decision Date: 9-4-2018
ORD that the deadline for Spencer to file the appellant's brief and appendix is extended to October 31, 2018.
See BAP event due on 10-31-2018

OCCD CA 07-19-2018 Motion to Extend Time
Filed By: John Grau
Submit Date: 7-20-2018
Decision: (G) Grant
Decision Date: 7-23-2018
ORD that the time for the appellant to file an appellant's brief is extended until August 31, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
See BAP event due on 8-31-2018

OCCD CA 06-13-2018 Non-Electronic Record Item
Comment: Motion Hearing 5/29/2015 Ex. #1 DVD Ex. #2 DVD Jury Trial Ex. #122 Heiser Ford receipt Ex. #123 DOT Envelope #Ex. #124 Wisconsin traffic citation Ex. #130 Shotspotter DVD Ex. #131

OCCD	CA	06-12-2018	Sealed Documents
Comment: #35-127			
OCCD	CA	06-12-2018	Record
Comment: 1-4 to 186-42, ELECTRONICALLY FILED			
OCCD	CA	06-04-2018	Statement on Transcript
Filed By: John Grau			
Status: Prev. Filed			
OCCD	CA	05-22-2018	Notif. Sent-Filing of NAP & Ct. Record
OCCD	CA	05-22-2018	Fee Waived
Comment: SPD			
OCCD	CA	05-22-2018	Notice of Appeal & Circuit Court Docket Entries
OCCD	CA	05-22-2018	X Transfer
OCCD	CA	05-21-2018	Received SPD Appointment Order
OCCD	CA	05-17-2018	Notice of Appeal filed in Cir. Ct.
OCCD	CA	05-04-2018	Order of Circuit Court
OCCD	CA	03-22-2018	Mot. Extend Time to Decide Postconviction Motion
Filed By: John Grau			
Submit Date: 3-22-2018			
Decision: (G) Grant			
Decision Date: 3-26-2018			
ORD that the deadline for the circuit court to decide Spencer's postconviction motion is extended through May 16, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).			
OCCD	CA	12-15-2017	Mot. Extend Time to file NAP/PCM
Filed By: John Grau			
Submit Date: 12-15-2017			
Decision: (G) Grant			
Decision Date: 12-18-2017			
IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to January 26, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).			
OCCD	CA	11-03-2017	Mot. Extend Time to file NAP/PCM

Filed By: John Grau

Submit Date: 11-3-2017

Decision: (G) Grant

Decision Date: 11-6-2017

IT IS ORDERED that the deadline for Spencer to file a postconviction motion or notice of appeal in this matter is extended to December 20, 2017.

OCCD CA 09-13-2017

Mot. Extend Time to file NAP/PCM

Filed By: John Grau

Submit Date: 9-13-2017

Decision: (G) Grant

Decision Date: 9-15-2017

ORD that the deadline for Spencer to file a postconviction motion or notice of appeal in this matter is extended to November 3, 2017.

OCCD CA 07-31-2017

Mot. Extend Time to file NAP/PCM

Filed By: John Grau

Submit Date: 8-1-2017

Decision: (G) Grant

Decision Date: 8-2-2017

IT IS ORDERED that the deadline for Spencer to file a postconviction motion or a notice of appeal is extended through September 15, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

OCCD CA 06-15-2017

Mot. Extend Time to file NAP/PCM

Filed By: John Grau

Submit Date: 6-15-2017

Decision: (G) Grant

Decision Date: 6-19-2017

IT IS ORDERED that the deadline for Spencer to file a postconviction motion or a notice of appeal is extended through August 1, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

OCCD CA 04-10-2017

Mot. Extend Time to file NAP/PCM

Filed By: John Grau

Submit Date: 4-10-2017

Decision: (G) Grant

Decision Date: 4-12-2017

IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to June 16, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

OCCD CA 02-10-2017

Mot. Extend Time to file NAP/PCM

Filed By: John Grau

Submit Date: 2-10-2017

Decision: (G) Grant

Decision Date: 2-14-2017

IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to April 10, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

OCCD CA 12-02-2016

Mot. Extend Time to file NAP/PCM

Filed By: John Grau

Submit Date: 12-2-2016

Decision: (G) Grant

Decision Date: 12-5-2016

ORD that the deadline for Spencer to file a postconviction motion or notice of appeal in this matter is extended to February 10, 2017.

OCCD CA 09-16-2015

Judgment of Circuit Court
