

Wisconsin Supreme Court and Court of Appeals Case Access

Milwaukee County v. K.M.

Appeal Number 2019AP001166

CONFIDENTIAL

Court of Appeals District 1

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	05-19-2023		Other Papers Comment: Notice of Completion of Representation (Ball)
OCCD	CA	09-14-2022		Remittitur
OCCD	SC	07-11-2022		Certificate of Filing by Mail Comment: re: Respondent's BOT
OCCD	SC	07-11-2022		Other Brief Respondents Letter Brief Comment: Respondent's Letter Brief per Court Order of June 23, 2022
OCCD	SC	07-08-2022		Other Brief Milwaukee County Letter Brief per CTO of 6/23/22 Filed By: Jennifer Hemmer Comment: Milwaukee County Letter Brief per Court Order of June 23, 2022
OCCD	SC	06-23-2022		Court Order IT IS ORDERED that the parties shall file simultaneous letters/briefs by July 8, 2022, discussing the impact of Sauk County, if any, on the issues raised in the petition for review.
OCCD	SC	06-23-2022		Hold Status
OCCD	CA	11-11-2021		Motion to Withdraw as Counsel Filed By: Anne Kearney Submit Date: 11-11-2021 Decision: (G) Grant Decision Date: 11-12-2021 ORD that Attorney Anne Berleman Kearney is withdrawn as counsel of record for Milwaukee County.
OCCD	SC	08-11-2021		Court Order

ORD that the petition for review shall be held in abeyance pending this court's disposition of Case No. 2019AP1033, Sauk County v. S.A.M. (petition for review accepted on February 24, 2021; oral argument scheduled for September 27, 2021).
Comment: 8/11/21 SC Court Order

OCCD	CA	05-26-2021	Cites
398 Wis. 2d 383			
OCCD	CA	05-26-2021	Cites
960 N.W.2d 626			
OCCD	CA	05-26-2021	Opinion Ordered Unpublished
OCCD	CA	05-21-2021	Briefs Received At State Law Library
Comment: Replacement Brief of Appellant			
OCCD	SC	05-13-2021	Letter/Correspondence
Comment: Cover letter - SPD Ball filing corrected CA - Brief of Appellant			
OCCD	CA	05-13-2021	Notice of Appearance
Comment: Atty. Hemmer appears for Milwaukee County			
OCCD	CA	05-13-2021	Brief & Appx of Appellant(s)
Filed By: Colleen Ball			
Comment: Corrected Brief of Appellant per 5/7/21 SC Court Order			
OCCD	SC	05-04-2021	Motion for Miscellaneous Relief
Filed By: Colleen Ball			
Submit Date: 5-5-2021			
Decision: (O) Other			
Decision Date: 5-7-2021			
IT IS ORDERED that respondent-appellant-petitioner's motion is granted. Within seven days of the date this order, counsel for respondent-appellant-petitioner, K.M., shall file a revised version of the initial brief with the court of appeals, both in hard copy and electronically. The revised brief shall contain the redaction described above, but shall otherwise be identical to the initial brief previously filed. IT IS FURTHER ORDERED that, upon receipt of the corrected version of the initial brief, the clerk of this court is directed to remove the initial brief filed July 22, 2020, and substitute the corrected version. Upon replacement by the clerk, the redacted version is deemed properly filed. The clerk of this court is directed to ensure that the corrected brief replaces the brief on file at the Wisconsin State Law Library.			
Comment: Motion to redact or file substitute copies of the initial brief Court Order dated 5/7/2021			
OCCD	CA	05-03-2021	Motion for Miscellaneous Relief
Filed By: Colleen Ball			
Submit Date: 5-3-2021			
Decision: (N) No Action			
Decision Date: 5-4-2021			

IT IS ORDERED that this court will take no action on the motion filed on May 3, 2021, described above.
See id.

Comment: Motion to redact or file substitute copies of the initial brief

OCCD SC 04-30-2021 Letter/Correspondence
Comment: Cover letter filing paper copies of petition for review

OCCD SC 04-29-2021 Petition for Review
Filed By: Colleen Ball
Submit Date: 5-19-2021
Decision: (D) Deny
Decision Date: 9-13-2022
IT IS ORDERED that the petition for review is denied, without costs.
Motion Response
Filed By: Jennifer Hemmer
Submit Date: 5-19-2021

OCCD CA 04-13-2021 [Opinion/Decision](#)
Judge Panel: Donald
Opinion: Opinion
Decision: Dismissed Pages: 9
Order Text: Appeal dismissed
Comment: Opinion/Decision dated 4/13/2021 Appendix - Petition for Review

OCCD CA 12-21-2020 Submitted on Briefs

OCCD CA 12-16-2020 Record and Briefs Sent to District 1

OCCD CA 12-15-2020 Reply Brief

OCCD CA 12-09-2020 Record
Comment: Re-File 1-14 to 94-1, ELECTRONICALLY FILED Record Filing Notice

OCCD CA 12-04-2020 Briefs Received At State Law Library

OCCD CA 11-19-2020 Motion for Miscellaneous Relief
Filed By: Colleen Ball
Submit Date: 11-19-2020
Decision: (O) Other
Decision Date: 11-23-2020
IT IS ORDERED that the motion to correct the record that K.M. filed in this court is deemed withdrawn.
IT IS FURTHER ORDERED that this court's order of November 16, 2020, is vacated. IT IS FURTHER ORDERED that the clerk of circuit court shall retransmit the record to this court within seven days after the date of this order. IT IS FURTHER ORDERED that the deadline for K.M. to file a reply brief is extended through the date fifteen days after the record retransmitted by the circuit court is received by this court. See WIS. STAT. RULE 809.82(2)(a)(2017-18).
Motion Response

Filed By: Colleen Ball
Submit Date: 11-19-2020
Comment: withdraw motion to correct record

OCCD CA 11-16-2020 Letter/Correspondence
Comment: SPD Ball request for case to be entered in voluntary eFile program

OCCD CA 11-16-2020 Record Remanded to Circuit Court

OCCD CA 11-03-2020 Response
Comment: Response to MCR Response

OCCD CA 11-03-2020 Letter/Correspondence
Comment: Atty. Kearney refers to response to motion to supplement the record being faxed 10/22/20
Letter - Atty. Kearney refers to response to MCR

OCCD CA 11-03-2020 Court Order
IT IS ORDERED that, no later than November 10, 2020, Milwaukee County shall file a response to K.M.s motion to correct the record. See WIS. STAT. RULE 809.82(2)(a) (2017-18).
See MCR event filed on 10-15-2020
Comment: Court Order - 11/3/2020

OCCD CA 10-16-2020 Court Order
IT IS ORDERED that, no later than October 23, 2020, Milwaukee County shall file a response to K.M.s motion to correct the record. IT IS FURTHER ORDERED that this matter is held in abeyance pending further order of this court.
See MCR event filed on 10-15-2020
Comment: Court Order - 10/16/2020

OCCD CA 10-15-2020 Motion to Correct/Supplement Record
Filed By: Colleen Ball
Submit Date: 10-15-2020
Decision: (G) Grant
Decision Date: 11-16-2020
IT IS ORDERED that, pursuant to WIS. STAT. 808.075(6), the record is remanded to the circuit court so that K.M. may move to correct the record there but this court retains jurisdiction of the appeal. Counsel for K.M. shall file the motion within ten days after remand.
IT IS FURTHER ORDERED that the circuit court shall hear the motion to correct the record and enter an order resolving the motion within forty-five days after remand.
IT IS FURTHER ORDERED that if the circuit court orders the record corrected, any corrections to the record shall be made within twenty days after the circuit court enters its order resolving the motion.
IT IS FURTHER ORDERED that if the circuit court orders corrections to the record, the clerk of circuit court shall retransmit the record, including the additional portions pertaining to the remand, to this court within twenty days after the record is corrected. See WIS. STAT. 808.075(7).
IT IS FURTHER ORDERED that if the circuit court does not order corrections to the record, the clerk of circuit court shall retransmit the record, including the additional portions pertaining to the remand, to this court within twenty days after the circuit court enters its decision on remand. See id.
IT IS FURTHER ORDERED that the deadlines in this order may be extended for good cause shown.
See WIS. STAT. RULE 809.82(2).
ORDER VACATED 11/23/20

Motion Response
Filed By: Anne Kearney
Submit Date: 11-3-2020

Motion Response
Filed By: Colleen Ball
Submit Date: 11-4-2020

This motion contains court order(s).

Comment: Motion to Correct/Supplement Record Motion to Correct/Supplement Record Response

OCCD CA 10-14-2020 Brief of Respondent(s)

Filed By: Anne Kearney

Comment: Please note amended signature pages pursuant to Rules 802.05 & 809.19(1)(h) have been added to all briefs.

OCCD CA 08-12-2020 Motion to Extend Time

Filed By: Anne Kearney
Submit Date: 8-13-2020
Decision: (G) Grant
Decision Date: 8-14-2020
shown.

IT IS ORDERED that the deadline for filing the respondents brief is extended until October 5, 2020.

See BRS event due on 10-5-2020

Comment: Motion to Extend Time to file BRS Court Order - 8/14/20

OCCD CA 07-31-2020 Letter/Correspondence

Comment: SPD Ball advises additional parties served w/ brief Letter-

OCCD CA 07-22-2020 Certificate of Filing by Mail

Comment: RE: Appellant's Brief, Mailed 7-20-2020, COS

OCCD CA 07-22-2020 Brief & Appx of Appellant(s)

Filed By: Colleen Ball

OCCD CA 03-03-2020 Motion for Miscellaneous Relief

Filed By: Colleen Ball
Submit Date: 3-3-2020
Decision: (G) Grant
Decision Date: 6-8-2020

IT IS ORDERED that the parties shall address mootness and jurisdiction as the first issues. IT IS FURTHER ORDERED that the appellants brief is due forty days from the date of this order.

Comment: Motion for leave to address mootness in the BAP Motion for Miscellaneous Relief Order to Address Mootness & File Brief of Appellant (6/8/20)

OCCD CA 02-27-2020 Hold Status

OCCD CA 02-25-2020 Notice of Appearance

Comment: SPD Ball appears for appellant per notice of substitution of counsel Notice of Appearance

OCCD CA	11-27-2019	Court Order
ORD that this appeal is stayed pending the Wisconsin Supreme Court's decision in Waukesha County v. J.J.H., No. 2018AP168 (WI filed Sept. 3, 2019). FRO that the jurisdictional issue shall be addressed when the stay is lifted. Comment: Court Order (11/27/19)		
OCCD CA	11-13-2019	Attorney Change
Comment: Per notice of appearance withdrew Atty. Alan Polan, added Atty. Anne Berleman Kearney as counsel for the County.		
OCCD CA	11-01-2019	Motion for Miscellaneous Relief
Filed By: Carly Cusack Submit Date: 11-1-2019 Decision: (G) Grant Decision Date: 11-5-2019 IT IS ORDERED that the deadline for filing the memorandum is extended until November 8, 2019. Motion Response Filed By: Carly Cusack Submit Date: 3-4-2021 Comment: ext. time to file juris. memo Miscellaneous Relief Order (11/5/19) Motion for Miscellaneous Relief		
OCCD CA	10-21-2019	Jurisdiction Check
Filed By: Unassigned District 1 Submit Date: 11-14-2019 Decision: (O) Other Decision Date: 6-8-2020 IT IS ORDERED that the parties shall address mootness and jurisdiction as the first issues. IT IS FURTHER ORDERED that the appellants brief is due forty days from the date of this order. Motion Response Filed By: Carly Cusack Submit Date: 11-14-2019 Motion Response Filed By: Carly Cusack Submit Date: 3-4-2021 Motion Response Filed By: Anne Kearney Submit Date: 3-4-2021 Comment: Jurisdiction Check Order (10/21/21) Court-Ordered Memorandum Response to Memorandum		
OCCD CA	10-21-2019	Court Order
ORD that appellate counsel shall file the required memorandum by November 1, 2019. The respondent may file a response within 5 days of receipt of appellant's memorandum. FRO that the filing of the appellant's brief is stayed; if this court confirms jurisdiction, the appellant's brief is due forty days from the date of the order confirming jurisdiction.		
OCCD CA	10-16-2019	Record
Comment: 1-14 to 102-1 ELECTRONICALLY FILED Record Filing Notice		
OCCD CA	08-27-2019	Motion to Extend Time

Filed By: Tammy Kruczynski

Submit Date: 8-27-2019

Decision: (G) Grant

Decision Date: 8-28-2019

ORD that the deadline for the clerk of the circuit court to transmit the record in this matter is extended to September 27, 2019.

See REC event filed on 10-16-2019

Comment: Order to Extend Time (8/28/19) Motion to Extend Time

OCCD CA 08-02-2019 Statement on Transcript

Filed By: Carly Cusack

Status: Prev. Filed

Comment: Statement on Transcript

OCCD CA 08-01-2019 Delinquent

Comment: New due date of connected SRT: 8-8-2019 Delinquent SRT Order (8/1/19)

OCCD CA 06-27-2019 Notif. Sent-Filing of NAP & Ct. Record

Comment: Notif. Sent-Filing of NAP & Ct. Record

OCCD CA 06-27-2019 Notice of Appeal & Circuit Court Docket Entries

Comment: Notice of Appeal & Court Record

OCCD CA 06-27-2019 X Transfer

OCCD CA 06-24-2019 Notice of Appeal filed in Cir. Ct.

Comment: Notice of Appeal filed in circuit court

OCCD CA 06-24-2019 Docketing Statement from Appellant

Comment: Docketing Statement from Appellant

OCCD CA 08-30-2018 Miscellaneous Motion on XX-Case

Filed By: Carly Cusack

Submit Date: 8-30-2018

Decision: (G) Grant

Decision Date: 8-31-2018

ORD that K.M. shall file a notice of appeal in this matter within 30 days of the date on which the supreme court issues a decision in Portage County v. J.W.K., appeal No. 2017AP1574.

Comment: Motion to stay deadline to file NAP until 30 days from decision in 17AP1574 Aug 31, 2018
CTO Miscellaneous Motion on XX-Case - 5/20/19 17AP1574 released - NAP due 6/20/19

OCCD CA 07-26-2018 Order of Circuit Court

OCCD CA 05-30-2018 MXT to decide Postdisposition Motion

Filed By: Alan Polan

Submit Date: 5-30-2018

Decision: (G) Grant

Decision Date: 6-1-2018

ORD that the circuit court's deadline to hear and decide K.M.'s postdisposition motion is extended through July 26, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

Comment: Jun 1, 2018 CTO MXT to Decide Postconviction Motion

OCCD CA 05-30-2018

Attorney Change

Comment: Per notice of appearance withdrew Atty. Christine L. Hansen, added Atty. Alan M. Polan as counsel for Milwaukee County.

OCCD CA 04-09-2018

Mot. Extend Time to file NAP/Postdisposition mot.

Filed By: Carly Cusack

Submit Date: 4-9-2018

Decision: (G) Grant

Decision Date: 4-11-2018

ORD that the deadline for K.M. to file a postdisposition motion or a notice of appeal is extended through April 27, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

Comment: 7th request Apr 11, 2018 CTO MXT to file NAP/Postdisposition Motion

OCCD CA 02-06-2018

Mot. Extend Time to file NAP/Postdisposition mot.

Filed By: Carly Cusack

Submit Date: 2-6-2018

Decision: (G) Grant

Decision Date: 2-9-2018

ORD that the time for filing a postdisposition motion or notice of appeal is extended to April 9, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

Comment: 6 Feb 9, 2018 CTO MXT to file NAP/Postdisposition Motion

OCCD CA 12-08-2017

Mot. Extend Time to file NAP/Postdisposition mot.

Filed By: Carly Cusack

Submit Date: 12-8-2017

Decision: (G) Grant

Decision Date: 12-12-2017

ORD that the time for filing a postdisposition motion or notice of appeal is extended to February 6, 2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

Comment: 5 Dec 12, 2017 CTO MXT to file NAP/Postdisposition Motion

OCCD CA 10-09-2017

Mot. Extend Time to file NAP/Postdisposition mot.

Filed By: Carly Cusack

Submit Date: 10-9-2017

Decision: (G) Grant

Decision Date: 10-11-2017

IT IS ORDERED that the time for filing a postcommitment motion or notice of appeal is extended to December 8, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).

Comment: 4 Oct 11, 2017 CTO MXT to file NAP/Postdisposition Motion

OCCD CA 08-10-2017

Mot. Extend Time to file NAP/Postdisposition mot.

Filed By: Carly Cusack

Submit Date: 8-10-2017

Decision: (G) Grant

Decision Date: 8-11-2017

IT IS ORDERED that the deadline for K. M. to file a postdisposition motion or a notice of appeal is

extended through October 9, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
 Comment: 3 Aug 11, 2017 CTO MXT to file NAP/Postdisposition Motion

OCCD CA 06-26-2017 Mot. Extend Time to file NAP/Postdisposition mot.
 Filed By: Carly Cusack
 Submit Date: 6-27-2017
 Decision: (G) Grant
 Decision Date: 6-29-2017
 ORD that the deadline for K.M. to file a postdisposition motion or a notice of appeal is extended through August 10, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
 Comment: 2 Jun 29, 2017 CTO MXT to file NAP/Postdisposition Motion

OCCD CA 05-26-2017 Mot. Extend Time to file NAP/Postdisposition mot.
 Filed By: Carly Cusack
 Submit Date: 5-31-2017
 Decision: (G) Grant
 Decision Date: 6-2-2017
 IT IS ORDERED that the deadline for K. M. to file a postdisposition motion or a notice of appeal is extended through June 26, 2017. See Wis. Stat. Rule 809.82(2)(a) (2015-16).
 Comment: Jun 2, 2017 CTO MXT to file NAP/Postdisposition Motion

OCCD CA 04-04-2017 Miscellaneous Motion on XX-Case
 Filed By: Andrea C
 Submit Date: 4-4-2017
 Decision: (O) Other
 Decision Date: 4-7-2017
 ORD that the State Public Defender's Office shall appoint successor counsel no later than 30 days from the date of this order.
 FRO that the deadline for filing a post-disposition motion or notice of appeal is extended until 30 days after the date successor counsel is appointed.
 Comment: reinstatement/ext. of deadline for filing a postdisposition motion/notice of appeal Apr 7, 2017 CTO Miscellaneous Motion on XX-Case

OCCD CA 09-26-2016 Received SPD Appointment Order
 Comment: for Atty. Diane C. Lowe. SPD Order

OCCD CA 08-23-2016 Motion to Extend Time to File Notice of Intent
 Filed By: Matthew Lynch
 Submit Date: 8-24-2016
 Decision: (G) Grant
 Decision Date: 8-25-2016
 ORD that the deadline for K.M. to file a notice of intent to pursue postdisposition relief is retroactively extended through August 22, 2016, the date of filing. ORD that the deadline for Stokes to file a postconviction motion or notice of appeal is extended through August 31, 2016. See Wis. Stat. Rule 809.82(2)(a).
 Comment: Aug 25, 2016 CTO MXT to file Notice of Intent

OCCD CA 05-06-2016 Order of Circuit Court