

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Percy Antione Robinson

Appeal Number 2020AP001728 - CR

Court of Appeals District 1

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	CA		09-05-2024	Remittitur
RECV	CA	08-22-2024		Motion for Miscellaneous Relief Filed By: John Blimling Submit Date: 8-22-2024 Comment: Letter Request from DOJ, requesting that the Opinion/Decision not be published
OCCD	CA	08-06-2024		Opinion/Decision Judge Panel: Colon, Geenen, White Opinion: Opinion Decision: Affirmed Pages: 25 Written by: White, Maxine A. Order Text: Judgment and order affirmed
OCCD	CA	01-30-2024		Submitted on Briefs
OCCD	CA	01-09-2024		Reopen
OCCD	CA	11-24-2023		Briefs Sent to District
OCCD	CA	11-24-2023		Reply Brief Reply Brief Filed By: Christopher August
OCCD	CA	11-10-2023		Order IT IS ORDERED that the time for the appellant to file a new reply brief or a statement that no reply brief will be filed is extended to November 27, 2023. See WIS. STAT. RULE 809.82(2)(a).
OCCD	CA	11-09-2023		Briefs Sent to District
OCCD	CA	11-09-2023		Brief of Respondent(s) Brief of Respondent

OCCD CA 10-25-2023 Motion to Extend Time
Filed By: John Blimling
Submit Date: 10-25-2023
Decision: (G) Grant
Decision Date: 10-26-2023
IT IS ORDERED that the deadline for the State to file its brief is extended through November 9, 2023.
See WIS. STAT. RULE 809.82(2)(a) (2021-22).
See BRS event due on 11-9-2023
Comment: 2nd request

OCCD CA 09-25-2023 Motion to Extend Time
Filed By: John Blimling
Submit Date: 9-25-2023
Decision: (G) Grant
Decision Date: 9-26-2023
IT IS ORDERED that the deadline for the State to file its brief is extended through October 25, 2023.
See WIS. STAT. RULE 809.82(2)(a) (2021-22).
See BRS event due on 10-25-2023

OCCD CA 08-28-2023 Briefs Sent to District
Comment: Post-remand BAP

OCCD CA 08-25-2023 [Brief & Appendix of Appellant\(s\)](#)
[Brief of Appellant \(Post-Remand\)](#)
Filed By: Christopher August
Comment: Post-remand

OCCD CA 07-28-2023 Hold Status

OCCD CA 07-25-2023 Motion for Miscellaneous Relief
Filed By: John Blimling
Submit Date: 7-25-2023
Decision: (G) Grant
Decision Date: 7-28-2023
IT IS ORDERED that the briefing stay in this matter is lifted.
IT IS FURTHER ORDERED that the appellant may file a new appellant's brief by August 28, 2023.
IT IS FURTHER ORDERED that the deadline for the State to file a respondent's brief shall be thirty days from the date of the filing of a revised appellant's brief.
Comment: Motion to lift stay

OCCD CA 05-11-2023 Motion for Miscellaneous Relief
Filed By: Christopher August
Submit Date: 5-11-2023
Decision: (O) Other
Decision Date: 5-17-2023
IT IS ORDERED that this case is stayed until all litigation in Garcia is final, at which time the State will notify this court and request that the stay be lifted.

IT IS FURTHER ORDERED that the appellant may file a new appellant's brief no later than thirty days from the date the stay has been lifted.

IT IS FURTHER ORDERED that the respondent's brief shall be filed no later than thirty days from the date of the filing of a revised appellant's brief.

Motion Response

Filed By: John Blimling

Submit Date: 5-15-2023

Comment: Motion to file new appellate briefs

OCCD SC 05-10-2023 Court Changed to Court of Appeals

OCCD SC 05-10-2023 Remanded from WI Supreme Court

OCCD SC 05-10-2023 Opinion/Decision

Opinion: Miscellaneous Order

Decision: Remanded to Court of Appeals Pages: 1

Order Text: IT IS ORDERED that the May 18, 2022 order granting certification is vacated and the case is remanded to the court of appeals.

OCCD SC 05-10-2023 Order

IT IS ORDERED that the May 18, 2022 order granting certification is vacated and the case is remanded to the court of appeals.

OCCD SC 04-28-2023 Response to Additional/Supplemental Authorities

Comment: Filed by AAG Blimling on behalf of the State.

OCCD SC 04-26-2023 Additional Authorities

Comment: Filed by Atty. August on behalf of Appellant.

OCCD SC 11-08-2022 Oral Argument

Comment: 2nd case, 9:45 a.m. (Capitol SC Hearing Room). Christopher P. August for Defendant-Appellant. John Blimling for Plaintiff-Respondent.

OCCD SC 08-26-2022 Assigned for Oral Argument

OCCD SC 08-10-2022 Reply Brief-Supreme Court

[Reply Brief](#)

Filed By: Christopher August

OCCD SC 08-09-2022 Motion to Extend Time

Filed By: Christopher August

Submit Date: 8-10-2022

Decision: (G) Grant

Decision Date: 8-10-2022

IT IS ORDERED that the motion is granted. Defendant-appellant's reply brief shall be served and filed on or before August 10, 2022.

See BR3 event due on 8-10-2022

OCCD SC	07-26-2022	Response Brief-Supreme Court Response Brief - Supreme Court
Filed By: John Blimling		
OCCD SC	07-13-2022	Letter/Correspondence Comment: Notice of withdrawal as counsel for State filed by AAG Barber
OCCD SC	07-11-2022	Notice of Appearance Comment: AAG Blimling replacing AAG Barber
OCCD SC	06-30-2022	Letter/Correspondence Comment: Letter from Atty. August indicating that paper versions of CA briefs will not be filed due to the case becoming part of the e-file pilot program
OCCD SC	06-24-2022	Letter/Correspondence Comment: Letter from Atty. Barber re: paper copies of CA BRS filed
OCCD SC	06-24-2022	Motion to Extend Time Filed By: Timothy Barber Submit Date: 6-24-2022 Decision: (G) Grant Decision Date: 7-26-2022 IT IS ORDERED that the motion is granted and the State's response brief is accepted for filing. See BR2 event due on 7-7-2022
OCCD SC	06-17-2022	First Brief-Supreme Court First Brief - Supreme Court Filed By: Christopher August
OCCD SC	05-25-2022	State Public Defender Order Appointing Counsel Comment: appointing Atty. Douglas C. McIntosh as co-counsel for the DEF-APP
OCCD SC	05-18-2022	Court Changed to Supreme Court
OCCD CA	05-18-2022	Hold Status
OCCD SC	04-19-2022	Certification Filed By: Unassigned District 1 Submit Date: 4-19-2022 Decision: (G) Grant Decision Date: 5-18-2022 IT IS ORDERED the certification is granted and the appeal is accepted for consideration of all issues raised before the court of appeals. When this court grants direct review upon certification, it acquires jurisdiction of the case, Wis. Const. art. VII, (Rule) 3(3), that is, the entire appeal, which includes all issues, not merely the issues certified or the issue for which the court accepts the certification. State v.

Stoehr, 134 Wis. 2d 66, 70, 396 N.W.2d 177 (1986); Wis. State (Rules) 808.05(2) and (Rule) 809.61. Further, the court has jurisdiction over issues not certified because the court may review an issue directly on its own motion. Wis. Stat. (Rule) 808.05(3); and
 IT IS FURTHER ORDERED that within 30 days after the date of this order the appellant must file either a brief in this court or a statement that no brief will be filed; that within 20 days of filing, the respondent must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the respondent, within 10 days of filing, the appellant must file either a reply brief or a statement that no reply brief will be filed; and
 IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief; instead, any material upon which there is reliance should be restated in the brief filed in this court; and
 IT IS FURTHER ORDERED that in the event any party elects not to file a brief in this court, the briefs previously submitted by that party to the court of appeals shall stand as that party's brief in the Supreme Court; and
 IT IS FURTHER ORDERED that within the time period established for the filing of briefs, each party must provide the clerk of this court with copies of the briefs previously filed on behalf of that party in the court of appeals. If a party elects to

OCCD CA	04-19-2022	Opinion/Decision
	Judge Panel: White, Dugan, Brash	
	Opinion: Certification	
	Decision: Certification Filed Pages: 9	
	Order Text: We ask the court to accept certification to provide a clear answer on this issue and eliminate confusion between the state and federal courts.	

OCCD CA	11-22-2021	Response to Additional/Supplemental Authorities
	Comment: Pla-Res by AAG Barber responds to Def-Applnts November 10, 2021 additional authorities	

OCCD CA	11-10-2021	Additional Authorities
	Comment: Additional authority provided by Atty. August	

OCCD CA	11-10-2021	Letter/Correspondence
	Comment: Cover letter providing additional authority	

OCCD CA	08-09-2021	Submitted on Briefs
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OCCD CA	05-18-2021	Record and Briefs Sent to District 1
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OCCD CA	05-18-2021	Reply Brief
		Reply Brief
	Filed By: Christopher August	

OCCD CA	05-03-2021	Motion to Extend Time
	Filed By: Christopher August	
	Submit Date: 5-3-2021	
	Decision: (G) Grant	
	Decision Date: 5-4-2021	

IT IS ORDERED that the deadline for Robinson to file a reply brief is extended through May 18, 2021.
See WIS. STAT. RULE 809.82(2)(a) (2019-20).
See BRY event due on 5-18-2021

OCCD CA 04-19-2021 Brief of Respondent(s)
[Brief of Respondent](#)

Filed By: Timothy Barber

Comment: 06-24-22 Received 10 additional copies of CA brief for SC use.

OCCD CA 03-24-2021 Motion to Extend Time

Filed By: Timothy Barber

Submit Date: 3-24-2021

Decision: (G) Grant

Decision Date: 3-25-2021

IT IS ORDERED that the deadline for the State to file the respondents brief in this matter is extended to April 19, 2021.

Motion Response

Filed By: Christopher August

Submit Date: 5-3-2021

See BRS event filed on 4-19-2021

OCCD CA 03-03-2021 Motion to Extend Time

Filed By: Timothy Barber

Submit Date: 3-3-2021

Decision: (G) Grant

Decision Date: 3-4-2021

IT IS ORDERED that the deadline for the State to file the respondents brief in this matter is extended to April 2, 2021.

See BRS event due on 4-2-2021

Comment: BRS [NEW] Motion to Extend Time to file BRS

OCCD CA 02-05-2021 Notice of Appearance

Comment: AAG Barber appears for the State, requests case be in the efilng pilot program Notice of Appearance/convert case to efilng

OCCD CA 01-29-2021 Brief & Appendix of Appellant(s)
[Brief of Appellant](#)

Filed By: Christopher August

OCCD CA 01-26-2021 Notice of Appearance

Comment: SPD August appears for the DEF-APP, requests case be in the efilng pilot program Notice of Appearance/convert case to efilng

OCCD CA 12-09-2020 Notice of Appearance

Comment: SPD August appears for applnt., request for appeal to be placed in pilot program

OCCD CA 11-23-2020 Motion to Extend Time

Filed By: Kaitlin Lamb

Submit Date: 11-24-2020

Decision: (N) No Action

Decision Date: 11-25-2020

IT IS ORDERED that successor counsel shall be appointed for Robinson within forty-five 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 deadline for Robinson to file an opening brief and appendix is extended through the date sixty days after the date successor counsel is appointed. See WIS. STAT. RULE 809.82(2)(a) (2017-18).

IT IS FURTHER ORDERED that the State Public Defender or designee shall provide a copy of this order to successor counsel in this matter.

Motion Response

Filed By: Kaitlin Lamb

See BAP event due on 12-14-2020

Comment: BAP

OCCD CA	11-05-2020	Non-Electronic Record Item
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OCCD CA	11-04-2020	Sealed Documents
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OCCD CA	11-04-2020	Record
	Comment: 1-2 to 98-1, ELECTRONICALLY FILED	

OCCD CA	10-19-2020	Fee Waived
	Comment: SPD	

OCCD CA	10-19-2020	Notif. Sent-Filing of NAP & Ct. Record
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OCCD CA	10-19-2020	Notice of Appeal & Circuit Court Docket Entries
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OCCD CA	10-19-2020	X Transfer
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OCCD CA	10-13-2020	Statement on Transcript
	Filed By: Kaitlin Lamb	
	Status: Prev. Filed	

OCCD CA	10-13-2020	Notice of Appeal filed in Circuit Court
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OCCD CA	09-23-2020	Order of Circuit Court
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OCCD CA	08-24-2020	Mot. Extend Time to Decide Postconviction Motion
	Filed By: Kaitlin Lamb	
	Submit Date: 8-24-2020	
	Decision: (G) Grant	
	Decision Date: 8-26-2020	
	IT IS ORDERED that the deadline for deciding the postconviction motion is extended until November 4, 2020.	

OCCD CA 06-23-2020 Mot. Extend Time to Decide Postconviction Motion
Filed By: Kaitlin Lamb
Submit Date: 6-23-2020
Decision: (G) Grant
Decision Date: 6-25-2020
IT IS ORDERED that the deadline for deciding the postconviction motion is extended until August 24, 2020.

OCCD CA 03-06-2020 Mot. Extend Time to file NAP/PCM
Filed By: Kaitlin Lamb
Submit Date: 3-9-2020
Decision: (G) Grant
Decision Date: 3-10-2020
IT IS ORDERED that the deadline for Robinson to file a postconviction motion or notice of appeal in this matter is extended to March 23, 2020.

OCCD CA 01-06-2020 Mot. Extend Time to file NAP/PCM
Filed By: Kaitlin Lamb
Submit Date: 1-7-2020
Decision: (G) Grant
Decision Date: 1-8-2020
IT IS ORDERED that the deadline for Robinson to file a postconviction motion or a notice of appeal is extended through March 6, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

OCCD CA 11-05-2019 Mot. Extend Time to file NAP/PCM
Filed By: Kaitlin Lamb
Submit Date: 11-5-2019
Decision: (G) Grant
Decision Date: 11-6-2019
IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to January 6, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

OCCD CA 09-18-2019 Other Papers
Comment: CRS: CR Czerniejewski files 5/29/18 transcript in TC on 9/6/19 CRS: CR Czerniejewski files 5/29/18 transcript in TC on 9/6/19

OCCD CA 07-09-2019 Mot. Extend Time to file NAP/PCM
Filed By: Kaitlin Lamb
Submit Date: 7-9-2019
Decision: (G) Grant
Decision Date: 7-12-2019
IT IS ORDERED that the deadline for Robinson to move to reconstruct the record or notify this court that he elects not to do so is extended through August 7, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

OCCD CA 06-07-2019 Motion for Miscellaneous Relief
Filed By: Kaitlin Lamb
Submit Date: 6-10-2019
Decision: (G) Grant

Decision Date: 6-11-2019

IT IS ORDERED that the deadline for Robinson to move to reconstruct the record or notify this court that he elects not to do so is extended through July 8, 2019.

Comment: MXT to respond to court order

OCCD CA 04-08-2019

Miscellaneous Motion on XX-Case

Filed By: Kaitlin Lamb

Submit Date: 4-9-2019

Decision: (G) Grant

Decision Date: 4-10-2019

ORD that the deadline for Robinson to move to reconstruct the record or notify this court that he elects not to do so is extended through June 7, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

Comment: ext. time to reconstruct the record

OCCD CA 03-07-2019

Order

IT IS FURTHER ORDERED that if a transcript of the hearing on the motion to correct the record is ordered by defendant, then the deadline for filing a postconviction motion or notice of appeal shall be sixty days from the date on which the transcript is filed with the circuit court. See WIS. STAT. RULE 809.30(2)(h).

IT IS FURTHER ORDERED that if counsel determines that a transcript of the hearing on the motion to correct the record is not necessary for appeal, then any postconviction motion or notice of appeal shall be due within sixty days of the date of entry of the circuit courts written order resolving the motion to correct the record.

OCCD CA 03-05-2019

Motion to Compel Production/Service of Transcripts

Filed By: Kaitlin Lamb

Submit Date: 3-5-2019

Decision: (D) Deny

Decision Date: 3-7-2019

IT IS ORDERED that the motion to compel the production of transcripts is denied. IT IS FURTHER ORDERED that within thirty days of the date of this order, defendant may file with the circuit court a motion to correct the record by reconstruction, pursuant to WIS. STAT. RULE 809.15(3) and DeLeon. If appropriate, the motion may be accompanied by any stipulation or other agreed-upon statement reached by the parties in lieu of the transcript. A reference copy of any motion to correct the record that is filed in the circuit court shall also be filed in this court within the same time period. IT IS FURTHER ORDERED that within thirty days of the date of this order, defendant may alternatively opt not to pursue the missing transcript in this matter; if he does so, he shall submit a statement to this court, signed by both himself and his counsel, confirming this choice. IT IS FURTHER ORDERED that if defendant does not pursue the transcript, then any postconviction motion or notice of appeal shall be due within sixty days of the date of this order. Cf. WIS. STAT. RULE 809.30(2)(h). IT IS FURTHER ORDERED that the circuit court should conduct all necessary proceedings on any motion to correct the record and enter a written order that settles and approves the substitute record, including any reconstructed portions. See DeLeon, 127 Wis. 2d at 79-83. IT IS FURTHER ORDERED that the circuit courts order should specify, at a minimum, whether the circuit court is satisfied beyond a reasonable doubt that the record has been properly reconstructed and, if so, the order should state the actual contents of the portions of the reconstructed record that are being settled and approved. See id. at 81-82. If the parties present an agreed-upon statement, the circuit court may incorporate the stipulation by reference. If the circuit court must resolve any factual disputes,

OCCD CA 02-25-2019

Letter/Correspondence

Comment: Letter from Milw. circuit court regarding outstanding transcripts from retired court report Nancy Czerniewjerski

OCCD CA 11-02-2018

Motion to Extend Time to File Transcript(s)

Filed By: Katherine Nelson

Submit Date: 11-2-2018

Decision: (G) Grant

Decision Date: 11-6-2018

IT IS ORDERED that the deadline for Nelson to file her transcripts in this matter is extended to December 27, 2018.

OCCD CA 06-29-2018

Judgment of Circuit Court
