

# Wisconsin Supreme Court and Court of Appeals Case Access

**State v. Morris V. Seaton**

**Appeal Number 2021AP001399 - CR**

**Court of Appeals District 2**

## CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	CA		04-26-2024	Brief of Respondent(s)
OCCD	CA	04-01-2024		Motion to Extend Time Filed By: Melinda Swartz Submit Date: 4-2-2024 Decision: (G) Grant Decision Date: 4-3-2024 IT IS ORDERED that the time for the respondent to file his brief is extended to April 26, 2024. See WIS. STAT. RULE 809.82(2)(a). See BRS event due on 4-26-2024
OCCD	CA	03-06-2024		Motion to Extend Time Filed By: Melinda Swartz Submit Date: 3-7-2024 Decision: (G) Grant Decision Date: 3-8-2024 IT IS ORDERED that the time for the respondent to file its brief is extended to April 1, 2024. See WIS. STAT. RULE 809.82(2)(a). See BRS event due on 4-1-2024
OCCD	CA	02-05-2024		Motion to Extend Time Filed By: Melinda Swartz Submit Date: 2-5-2024 Decision: (G) Grant Decision Date: 2-7-2024 IT IS ORDERED that the time for the respondent to file its brief is extended to March 6, 2024. See WIS. STAT. RULE 809.82(2)(a). See BRS event due on 3-6-2024
OCCD	CA	01-02-2024		Motion to Extend Time Filed By: Melinda Swartz Submit Date: 1-2-2024 Decision: (G) Grant Decision Date: 1-3-2024

IT IS ORDERED that the time for the respondent to file his brief is extended to February 5, 2024. See WIS. STAT. RULE 809.82(2)(a).  
See BRS event due on 2-5-2024

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OCCD CA 12-11-2023 Motion to Withdraw as Counsel

Filed By: Michael Steinle  
Submit Date: 12-11-2023  
Decision: (G) Grant  
Decision Date: 12-14-2023  
IT IS ORDERED that Attorney Steinle's motion to withdraw is granted.

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OCCD CA 12-04-2023 Brief & Appx of Appellant(s)  
[Brief of Appellant](#)

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OCCD CA 10-17-2023 Motion for Miscellaneous Relief

Filed By: Melinda Swartz  
Submit Date: 10-18-2023  
Decision: (G) Grant  
Decision Date: 10-25-2023  
IT IS ORDERED that the appellant shall file a new appellant's brief within forty days of the date of this order.  
IT IS FURTHER ORDERED that the respondent shall file a new respondent's brief within thirty days of the filing of the new appellant's brief.  
IT IS FURTHER ORDERED that the appellant shall file a new reply brief, or a statement that a new reply brief will not be filed, within fifteen days of the filing of the new respondent's brief.  
Motion Response  
Filed By: Sarah Burgundy  
Submit Date: 10-19-2023  
Comment: Motion for New Briefing and Motion for a New Briefing Schedule

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

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

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OCCD SC 10-10-2023 [Opinion/Decision](#)

Opinion: Per Curiam  
Decision: Remanded to Court of Appeals Pages: 2  
Order Text: Order to accept certification vacated and remanded.  
Comment: JANET C. PROTASIEWICZ, J., did not participate.

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OCCD SC 10-09-2023 Public Domain Citation  
Comment: PDC No: 2023 WI 69

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OCCD SC 09-13-2023 Oral Argument  
Comment: 1st case, 9:45 a.m. (State Capitol SC Hearing Room). Sarah L. Burgundy for Plaintiff-Appellant Melinda A. Swartz for Defendant-Respondent

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OCCD SC 08-21-2023 Reply Brief-Supreme Court  
[Third Brief - Supreme Court](#)

OCCD SC 08-07-2023

Response Brief-Supreme Court  
[Second Brief - Supreme Court](#)

Filed By: Melinda Swartz

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OCCD SC 07-20-2023

Motion to Extend Time

Filed By: Melinda Swartz

Submit Date: 7-20-2023

Decision: (G) Grant

Decision Date: 7-21-2023

IT IS ORDERED that the motion is granted. Defendant-respondent's response brief shall be served and filed on or before August 7, 2023. Given that oral argument in this matter is scheduled for September 13, 2023, and both parties have already filed multiple extension motions, no further extension motions may be filed in this matter by either party.

See BR2 event due on 8-7-2023

Comment: 2nd request

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OCCD SC 07-07-2023

Assigned-Oral Argument

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OCCD SC 06-23-2023

Motion to Extend Time

Filed By: Melinda Swartz

Submit Date: 6-23-2023

Decision: (G) Grant

Decision Date: 6-28-2023

IT IS ORDERED that the motion is granted in part. Defendant-respondent's response brief shall be served and filed on or before July 28, 2023.

See BR2 event due on 7-28-2023

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OCCD SC 06-08-2023

First Brief-Supreme Court  
[First Brief - Supreme Court](#)

Filed By: Sarah Burgundy

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OCCD SC 05-19-2023

Motion to Extend Time

Filed By: Sarah Burgundy

Submit Date: 5-19-2023

Decision: (G) Grant

Decision Date: 5-22-2023

IT IS ORDERED that the motion is granted. Plaintiff-appellant's opening brief shall be served and filed on or before June 8, 2023.

See BR1 event due on 6-8-2023

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OCCD SC 04-17-2023

Motion to Extend Time

Filed By: Sarah Burgundy

Submit Date: 4-17-2023

Decision: (G) Grant

Decision Date: 4-19-2023

IT IS ORDERED that the motion is granted. Plaintiff-appellant's opening brief shall be served and filed on or before May 24, 2023.

See BR1 event due on 5-24-2023

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OCCD SC	03-24-2023	Notice of Appearance
Comment: Attorney Melinda A. Swartz for the Respondent		

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OCCD SC	03-24-2023	Court Order
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(2/2) 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 the parties shall be notified of the date and time for oral argument in this appeal in due course.

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OCCD SC	03-24-2023	Court Order
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(1/2) 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, 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. Stat. 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. 808.05(3); and

IT IS FURTHER ORDERED that from this date forward, this case shall be part of this court's eFiling pilot project. See S. Ct. Order 19-02B and 20-07B, 2022 WI 62 (issued July 7, 2022, eff. July 7, 2022) and the attached Amended Revised Interim Rule Beginning July 1, 2021 (amended July 7, 2022); S. Ct. Order 19-02C and 20-07C, 2023 WI 10 (issued Feb. 21, 2023, eff. April 1, 2023) and the attached Second Amended Revised Interim Rule Beginning April 1, 2023 (amended February 21, 2023). All briefs and any other future filings in this case shall be filed electronically, pursuant to Wis. Stat. ch. (Rule) 809 (2021-22); and

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OCCD SC	03-24-2023	Court Changed to Supreme Court
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OCCD CA	03-24-2023	Hold Status
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OCCD SC	02-08-2023	Certification Filed
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Filed By: Unassigned District 2  
Submit Date: 2-8-2023  
Decision: (G) Grant  
Decision Date: 3-24-2023

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, 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. Stat. 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. 808.05(3);

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;

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;

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 file a new brief(s), 10 copies of th

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OCCD CA 02-08-2023

[Opinion/Decision](#)

Judge Panel: Neubauer, Gundrum, Grogan

Opinion: Certification

Decision: Certification Filed Pages: 16

Order Text: In light of the 2014 amendment of WIS. STAT. 904.04(2)(b) (2019-20), codifying and expanding the greater latitude rule and the Wisconsin Supreme Courts decision in State v. Dorsey, 2018 WI 10, 23-25, 379 Wis. 2d 386, 906 N.W.2d 158, interpreting and applying that amendment, are State v. Alsteen, 108 Wis. 2d 723, 324 N.W.2d 426 (1982), and State v. Cofield, 2000 WI App 196, 238 Wis. 2d 467, 618 N.W.2d 214, still controlling law as they relate to the admissibility of prior nonconsensual sexual wrongs in cases involving an adult victim of an alleged sexual assault where consent is the primary issue?

Comment: Certification of Court of Appeals

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OCCD CA 06-16-2022

Submitted on Briefs

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OCCD CA 02-03-2022

Record and Briefs Sent to District 2

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OCCD CA 02-03-2022

Reply Brief  
[Reply Brief](#)

Filed By: Sarah Burgundy

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OCCD CA 01-18-2022

Motion to Extend Time

Filed By: Sarah Burgundy

Submit Date: 1-18-2022

Decision: (G) Grant

Decision Date: 1-19-2022

ORD that the time for the appellant to file its appellants reply brief is extended to February 3, 2022. See WIS. STAT. RULE 809.82(2)(a).

See BRY event due on 2-2-2022

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OCCD CA 12-15-2021

Motion to Extend Time

Filed By: Sarah Burgundy

Submit Date: 12-15-2021

Decision: (G) Grant

Decision Date: 12-16-2021

ORD that the time for the appellant to file its appellant's reply brief is extended to January 19, 2022. See WIS. STAT. RULE 809.82(2)(a).  
See BRY event due on 1-19-2022

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OCCD CA	12-03-2021	Brief of Respondent(s) <a href="#">Brief of Respondent</a>
Filed By: Michael Steinle		

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OCCD CA	11-22-2021	Motion to Extend Time
Filed By: Michael Steinle		
Submit Date: 11-22-2021		
Decision: (G) Grant		
Decision Date: 11-24-2021		
ORD that the time for the respondent to file his brief is extended to December 3, 2021. See WIS. STAT. RULE 809.82(2)(a).		
See BRS event due on 12-3-2021		

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OCCD CA	10-25-2021	Brief & Appx of Appellant(s) <a href="#">Brief of Plaintiff-Appellant</a>
Filed By: Sarah Burgundy		

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OCCD CA	09-15-2021	Record
Comment: 1-1 to 33-1 ELECTRONICALLY FILED		

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OCCD CA	08-25-2021	Statement on Transcript
Filed By: Molly Schmidt		
Status: Prev. Filed		

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OCCD CA	08-13-2021	Notice of Appearance
Comment: AAG Burgundy for State per notice of appearance		

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OCCD CA	08-13-2021	Notice of Docketing of Appeal
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OCCD CA	08-13-2021	Fee Waived
Comment: State appeal		

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OCCD CA	08-12-2021	Notice of Appeal filed in Cir. Ct.
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OCCD CA	08-12-2021	Notice of Appeal & Circuit Court Docket Entries
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OCCD CA	08-10-2021	Order of Circuit Court
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