

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Morris V. Seaton

Appeal Number 2021AP001399 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	SC			Awaiting Opinion/Decision
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
OCCD	SC	08-21-2023		Reply Brief-Supreme Court Third Brief - Supreme Court Filed By: Sarah Burgundy
OCCD	SC	08-07-2023		Response Brief-Supreme Court Second Brief - Supreme Court Filed By: Melinda Swartz
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
OCCD	SC	07-07-2023		Assigned-Oral Argument
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

OCCD SC 06-08-2023

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

Filed By: Sarah Burgundy

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

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

OCCD SC 03-24-2023

Notice of Appearance

Comment: Attorney Melinda A. Swartz for the Respondent

OCCD SC 03-24-2023

Court Order

(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.

OCCD SC 03-24-2023

Court Order

(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

OCCD SC 03-24-2023 Court Changed to Supreme Court

OCCD CA 03-24-2023 Hold Status

OCCD SC 02-08-2023 Certification Filed

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

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

OCCD CA 06-16-2022 Submitted on Briefs

OCCD CA 02-03-2022 Record and Briefs Sent to District 2

OCCD CA 02-03-2022 Reply Brief
[Reply Brief](#)

Filed By: Sarah Burgundy

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

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

OCCD CA 12-03-2021 Brief of Respondent(s)
[Brief of Respondent](#)

Filed By: Michael Steinle

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

OCCD CA 10-25-2021 Brief & Appx of Appellant(s)
[Brief of Plaintiff-Appellant](#)

Filed By: Sarah Burgundy

OCCD CA 09-15-2021 Record

Comment: 1-1 to 33-1 ELECTRONICALLY FILED

OCCD CA 08-25-2021 Statement on Transcript

Filed By: Molly Schmidt

Status: Prev. Filed

WSCCA Case History

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

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

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