

# Wisconsin Supreme Court and Court of Appeals Case Access

## State v. Antonio L. Simmons

### Appeal Number 2018AP000591 - CR

Court of Appeals District 1

#### CASE HISTORY

| Status   | Court | Filing Date | Anticipated Due Date | Activity                        |
|--|-------|-------------|----------------------|---------------------------------|
| RECV   | SC    | 11-19-2020  | 02-04-2021           | Petition for Review             |
| Filed By: Robert Meyeroff<br>Submit Date: 12-23-2020<br>Comment: Reinstated per 11/19/20 CTO Petition for Review   |       |             |                      |                                 |
| OCCD   | SC    | 01-19-2021  |                      | Motion for Miscellaneous Relief |
| Filed By: Robert Meyeroff<br>Submit Date: 1-19-2021<br>Decision: (G) Grant<br>Decision Date: 1-21-2021<br>IT IS ORDERED that the motion is granted. Defendant-appellant-petitioner's reply shall be served and filed on or before February 4, 2021.<br>Comment: MMS - file reply to response to petition for review 1/21/21 Court Order                  |       |             |                      |                                 |
| OCCD   | SC    | 12-10-2020  |                      | Fee Paid                        |
| Comment: Invoice No: 19659; Receipt No: 20R 002458   |       |             |                      |                                 |
| OCCD   | SC    | 12-10-2020  |                      | Invoice Issued                  |
| Comment: Invoice No: 19659   |       |             |                      |                                 |
| OCCD   | SC    | 12-01-2020  |                      | Motion for Miscellaneous Relief |
| Filed By: Donald Latorraca<br>Submit Date: 12-2-2020<br>Decision: (G) Grant<br>Decision Date: 12-8-2020<br>IT IS ORDERED that the motion is granted. Plaintiff-respondent's response shall be served and filed on or before December 23, 2020.<br>Comment: ext. time to file response to PRE MMS - ext. time to file response to PRE 12/8/20 Court Order |       |             |                      |                                 |
| OCCD   | SC    | 10-19-2020  |                      | Letter/Correspondence           |
| Comment: Atty. Meyeroff advises his motion and affidavit were incorrectly captioned Court of Appeals, will correct if necessary Petition For Review  |       |             |                      |                                 |

OCCD SC 10-13-2020

Motion for Miscellaneous Relief

Filed By: Robert Meyeroff

Submit Date: 10-13-2020

Decision: (O) Other

Decision Date: 11-19-2020

IT IS ORDERED that the request is denied. The 30-day period in which to file a petition for review may not be enlarged. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979);

IT IS FURTHER ORDERED that the motion shall be construed as a petition for writ of habeas corpus having been filed on behalf of petitioner, State of Wisconsin ex rel. Antonio L. Simmons, assigned case number 2020AP1910-W and considered by this court;

IT IS FURTHER ORDERED that the petition for writ of habeas corpus is granted and the relief requested in the petition is granted, namely, that the petition for review filed in State v. Simmons, No. 2018AP591-CR, shall be reinstated and deemed timely-filed. See State ex rel. Nichols v. Litscher, 2001 WI 199, 247 Wis. 2d 1013, 635 N.W.2d 292; State ex rel. Schmelzer v. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 (1996);

IT IS FURTHER ORDERED that the State may file a response to the petition for review filed in State v. Simmons, No. 2018AP591-CR, no later than 14 days from the date of this order;

IT IS FURTHER ORDERED that the court will consider the documents filed in this matter and a decision on the petition for review will issue in due course.

Comment: Motion to allow late filing of PRE

OCCD CA 09-29-2020

Rejected Electronic Document

Comment: Petition For Review - Dismissed per 9/25/20 CTO PRE - LATE

OCCD SC 09-18-2020

Sua Sponte

Filed By: Unassigned District 1

Submit Date: 9-18-2020

Decision: (M) Dismiss

Decision Date: 9-25-2020

ORD that the petition for review is dismissed, without costs.

Amended September 25, 2020

Comment: Court Order 9/25/20 Court Order - Amended 9/25/20

OCCD CA 08-31-2020

Cites

948 N.W.2d 490

OCCD CA 08-31-2020

Cites

393 Wis. 2d 839

OCCD CA 08-31-2020

Opinion Ordered Unpublished

OCCD CA 08-10-2020

Motion for Reconsideration

Filed By: Robert Meyeroff

Submit Date: 8-11-2020

Decision: (D) Deny

Decision Date: 8-17-2020

IT IS ORDERED that the motion for reconsideration is denied.

Comment: 7/21/20 DEC Court Order dated 8/17/20

OCCD SC 08-06-2020 Motion to Waive Filing Requirements  
Filed By: Robert Meyeroff  
Submit Date: 8-7-2020  
Decision: (G) Grant  
Decision Date: 8-11-2020  
ORD that the motion is granted. Defendant-appellant's petition for review may not exceed 11,000 words in length.  
Comment: Exceed page/word limit

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OCCD CA 07-21-2020 [Opinion/Decision](#)  
Judge Panel: Brash, Donald, White  
Opinion: Opinion  
Decision: Affirmed Pages: 15  
Written by: Brash, William W.  
Order Text: Orders affirmed

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OCCD CA 05-27-2020 Submitted on Briefs

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OCCD CA 03-04-2020 Briefs Received At State Law Library

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OCCD CA 02-18-2020 Record and Briefs Sent to District 1

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OCCD CA 02-18-2020 Reply Brief  
[Defendant-Appellant's Reply Brief](#)  
Filed By: Robert Meyeroff

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OCCD CA 01-29-2020 Motion to Extend Time  
Filed By: Robert Meyeroff  
Submit Date: 1-29-2020  
Decision: (G) Grant  
Decision Date: 1-31-2020  
ORD that the deadline for Simmons to file a reply brief is extended through February 21, 2020. See Wis. Stat. Rule 809.82(2)(a) (2017-18).  
See BRY event due on 2-21-2020

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OCCD CA 12-20-2019 Motion to Extend Time  
Filed By: Robert Meyeroff  
Submit Date: 12-20-2019  
Decision: (G) Grant  
Decision Date: 12-23-2019  
ORD that the deadline for Simmons 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

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OCCD CA 12-10-2019 Brief of Respondent(s)  
[Plaintiff-Respondent's Brief](#)  
Filed By: Donald Latorraca

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OCCD CA 11-25-2019 Motion to Extend Time

Filed By: Donald Latorraca

Submit Date: 11-25-2019

Decision: (G) Grant

Decision Date: 11-27-2019

ORD that the time for the respondent to file a respondent's brief is extended to December 12, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 12-12-2019

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OCCD CA 10-29-2019

Rejected Electronic Document

Comment: Brief of Appellant - Three partial versions of the brief have been e-filed. E-file a complete version of the Appellant's Brief.

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OCCD CA 10-29-2019

Rejected Electronic Document

Comment: Brief of Appellant - Three partial versions of the brief have been e-filed. E-file a complete version of the Appellant's Brief.

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OCCD CA 10-29-2019

Rejected Electronic Document

Comment: Brief of Appellant - Three partial versions of the brief have been e-filed. E-file a complete version of the Appellant's Brief.

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OCCD CA 10-28-2019

Brief & Appx of Appellant(s)  
[Brief of Appellant \(Redacted\)](#)

Filed By: Robert Meyeroff

Comment: Separate Appendix; Replacement Brief

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OCCD CA 10-18-2019

Motion to Extend Time

Filed By: Robert Meyeroff

Submit Date: 10-18-2019

Decision: (G) Grant

Decision Date: 10-21-2019

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

See BAP event due on 10-31-2019

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OCCD CA 09-27-2019

Interim Motion for Reconsideration

Filed By: Robert Meyeroff

Submit Date: 9-27-2019

Decision: (D) Deny

Decision Date: 10-8-2019

IT IS ORDERED that the motion for reconsideration is denied. IT IS FURTHER ORDERED that Simmons shall file and serve an appellants brief that complies with WIS. STAT. RULE 809.86(4) no later than October 21, 2019. Attorney Meyeroff shall also file the brief electronically as required by WIS. STAT. RULE 809.19(12).

Comment: of the 9-19-2019 CTO

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OCCD CA 09-17-2019

Motion to Strike

Filed By: Donald Latorraca

Submit Date: 9-18-2019

Decision: (G) Grant

Decision Date: 9-19-2019

ORD that the motion to strike is granted and the appellants' brief is stricken.

FRO that Simmons shall file and serve an appellant's brief that complies with Wis. Stat. Rule 809.86(4) no later than October 3, 2019. Attorney Meyeroff shall also file the brief electronically as required by Wis. Stat. Rule 809.19(12).

FRO that the deadline for the State to file its brief is thirty days from the date the appellant files an appellant's brief that complies with Wis. Stat. Rule 809.86(4).

Comment: appellant's brief identifies victims

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OCCD CA 08-20-2019

Motion to Extend Time

Filed By: Donald Latorraca

Submit Date: 8-20-2019

Decision: (G) Grant

Decision Date: 8-22-2019

ORD that the deadline for the State to file its respondent's brief in this matter is extended to September 25, 2019.

See BRS event due on 9-25-2019

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OCCD CA 07-24-2019

Brief & Appx of Appellant(s)

Filed By: Robert Meyeroff

Comment: Separate appendix previously filed.

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OCCD CA 07-08-2019

Attorney Change

Comment: AAG Latorraca appears for State per ltr. of representation

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OCCD CA 05-17-2019

Motion to Strike

Filed By: Tiffany Winter

Submit Date: 5-17-2019

Decision: (G) Grant

Decision Date: 6-4-2019

IT IS ORDERED that the motion to strike is granted and the appellant's brief is struck. IT IS FURTHER ORDERED that Simmons shall file and serve a compliant appellant's brief no later than August 5, 2019.

Motion Response

Filed By: Robert Meyeroff

Submit Date: 5-29-2019

Comment: the Defendant-Appellant's brief

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OCCD CA 04-26-2019

Motion to Extend Time

Filed By: Tiffany Winter

Submit Date: 4-26-2019

Decision: (G) Grant

Decision Date: 4-29-2019

ORD that the deadline for the State to file its brief is extended through May 31, 2019. See Wis. Stat. Rule 809.82(2)(a) (2017-18).

See BRS event due on 5-31-2019

Comment: 2

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OCCD CA 04-15-2019

Separate Appendix

Filed By: Robert Meyeroff

Comment: Please be advised briefs and appendices must comply with Wis. Stat. Rule 809.19(8)(4) regarding being properly bound. Separate Appendix of Appellant(s)

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OCCD CA 04-15-2019 Hold Status

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OCCD CA 04-03-2019 Motion to Extend Time

Filed By: Tiffany Winter

Submit Date: 4-4-2019

Decision: (D) Deny

Decision Date: 4-5-2019

IT IS ORDERED that the motion to extend an April 9, 2019 briefing deadline is denied.

See BRS event due on 5-1-2019

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OCCD CA 04-02-2019 Response

Comment: supplement of the motion to correct the brief and appendix is due per the 4-1-2019 CTO.

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OCCD CA 03-25-2019 Court Order

IT IS ORDERED that, no later than April 1, 2019, Attorney Meyeroff shall supplement the motion to correct the consolidated brief and appendix as discussed above. IT IS FURTHER ORDERED that, pursuant to WIS. STAT. RULE 809.14(3)(a) (2017-18), this matter is held in abeyance pending resolution of the motion filed on March 21, 2019.

See SUA event filed on 3-21-2019

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OCCD CA 03-21-2019 Sua Sponte

Filed By: Unassigned District 1

Submit Date: 3-21-2019

Decision: (O) Other

Decision Date: 4-4-2019

IT IS ORDERED that the March 21, 2019 motion to correct the brief and appendix is denied.

IT IS FURTHER ORDERED that the appendix filed on March 8, 2019, with the appellants brief-in-chief is struck. The clerk of this court shall remove the appendix from each paper copy of the brief received on March 8, 2019.

IT IS FURTHER ORDERED that, no later than April 15, 2019, Simmons shall file ten copies of a corrected appendix, each with a white cover. The corrected appendix shall not include current appendix exhibits 177, 178, or 179, and shall not include any items outside of the record unless the rules of appellate procedure permit or require the appendix to include such items. See id.

IT IS FURTHER ORDERED that the hold in place pursuant to WIS. STAT. RULE 809.14(3)(a) (2017-18) is lifted effective on the date that Simmonss corrected appendix is accepted for filing.

IT IS FURTHER ORDERED that the respondents brief is due sixteen days after Simmonss corrected appendix is accepted for filing and that further briefing deadlines shall be governed by the rules of appellate procedure.

Motion Response

Filed By: Robert Meyeroff

Submit Date: 4-2-2019

This motion contains court order(s).

Comment: request to modify accepted brief, action?

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OCCD CA 03-13-2019 Attorney Change

Comment: Per notice of appearance added Tiffany M. Winter as counsel for the State

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OCCD CA 03-08-2019 Brief & Appx of Appellant(s)  
Filed By: Robert Meyeroff

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OCCD CA 02-11-2019 Motion to Extend Time  
Filed By: Robert Meyeroff  
Submit Date: 2-11-2019  
Decision: (G) Grant  
Decision Date: 2-12-2019  
ORD that the deadline for Simmons to file a brief and appendix is extended through March 11, 2019.  
See Wis. Stat. Rule 809.82(2)(a) (2017-18).  
See BAP event due on 3-11-2019  
Comment: 6

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OCCD CA 01-09-2019 Motion to Extend Time  
Filed By: Robert Meyeroff  
Submit Date: 1-9-2019  
Decision: (G) Grant  
Decision Date: 1-10-2019  
ORD that the time for the appellant to file an appellant's brief is extended until February 11, 2019. See  
Wis. Stat. Rule 809.82(2)(a) (2015-16).  
See BAP event due on 2-11-2019  
Comment: 5

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OCCD CA 11-26-2018 Motion to Extend Time  
Filed By: Robert Meyeroff  
Submit Date: 11-26-2018  
Decision: (G) Grant  
Decision Date: 11-28-2018  
ORD that the deadline fro Simmons to file the appellant's brief and appendix in this matter is extended  
to January 11, 2019.  
See BAP event due on 11-26-2018  
Comment: 4

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OCCD CA 10-24-2018 Motion to Extend Time  
Filed By: Robert Meyeroff  
Submit Date: 10-24-2018  
Decision: (G) Grant  
Decision Date: 10-25-2018  
IT IS ORDERED that the time for the appellant to file an appellant's brief is extended until November 26,  
2018. See Wis. Stat. Rule 809.82(2)(a) (2015-16).  
See BAP event due on 11-26-2018  
Comment: 3

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OCCD CA 08-06-2018 Motion for Remand  
Filed By: Robert Meyeroff  
Submit Date: 8-6-2018  
Decision: (D) Deny  
Decision Date: 9-26-2018

ORD that the motion for remand is denied.

FRO that the deadline for filing the appellant's brief and appendix in this matter is extended to October 26, 2018.

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|---|------------|-----------------------|
| OCCD CA   | 07-23-2018 | Motion to Extend Time |
| Filed By: Robert Meyeroff   |            |                       |
| Submit Date: 7-23-2018  |            |                       |
| Decision: (G) Grant   |            |                       |
| Decision Date: 7-24-2018  |            |                       |
| ORD that the deadline for Simmons to file a brief and appendix is extended through August 27, 2018. |            |                       |
| See Wis. Stat. Rule 809.82(2)(a) (2015-16).   |            |                       |
| See BAP event due on 8-27-2018  |            |                       |
| Comment: 2  |            |                       |

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| OCCD CA  | 06-25-2018 | Motion to Extend Time |
| Filed By: Robert Meyeroff  |            |                       |
| Submit Date: 6-25-2018   |            |                       |
| Decision: (G) Grant  |            |                       |
| Decision Date: 6-26-2018   |            |                       |
| ORD that the deadline for Simmons to file the appellant's brief and appendix is extended to July 25, 2018. |            |                       |
| See BAP event due on 7-25-2018   |            |                       |

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| OCCD CA           | 05-17-2018 | Sealed Documents |
| Comment: #12, #13 |            |                  |

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| OCCD CA                                      | 05-17-2018 | Record |
| Comment: 1-3 to 147-79, ELECTRONICALLY FILED |            |        |

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| OCCD CA  | 04-09-2018 | Fee Paid |
| Comment: Invoice No: 18648; Receipt No: 18R 000868 |            |          |

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| OCCD CA                    | 04-09-2018 | Invoice Issued |
| Comment: Invoice No: 18648 |            |                |

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| OCCD CA                   | 03-30-2018 | Statement on Transcript |
| Filed By: Robert Meyeroff |            |                         |
| Status: Not Needed        |            |                         |

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| OCCD CA | 03-29-2018 | Notif. Sent-Filing of NAP & Ct. Record |
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| OCCD CA | 03-29-2018 | Notice of Appeal & Court Record |
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| OCCD CA | 03-28-2018 | Notice of Appeal filed in Cir. Ct. |
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| OCCD CA | 03-28-2018 | Notice of Appeal filed in Cir. Ct. |
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WSCCA Case History

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| OCCD CA | 03-09-2018 | Order of Circuit Court |
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| OCCD CA | 02-20-2018 | Order of Circuit Court |
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| OCCD CA | 07-21-2017 | Order of Circuit Court |
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