

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Percy Antione Robinson

Appeal Number 2020AP001728 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
PEND	SC		07-07-2022	Response Brief-Supreme Court
RECV	SC	06-24-2022		Motion to Extend Time Filed By: Timothy Barber Submit Date: 6-24-2022 See BR2 event due on 7-7-2022
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	06-17-2022		First Brief-Supreme Court First Brief - Supreme Court Filed By: Christopher August
OCCD	SC	05-25-2022		Received SPD Appointment Order 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 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	Rsp. to Add'l/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
---------	------------	---------------------

OCCD CA	05-18-2021	Record and Briefs Sent to District 1
---------	------------	--------------------------------------

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
Comment: Court Order dated 5/4/2021

OCCD CA 04-19-2021 Brief of Respondent(s)
[Brief of Plaintiff-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: 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 & Appx of Appellant(s)
[Appellant's Brief](#)

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: Motion to Extend Time to file BAP Motion to Extend Time

OCCD CA	11-05-2020	Non-Electronic Record Item
---------	------------	----------------------------

OCCD CA	11-04-2020	Sealed Documents
---------	------------	------------------

OCCD CA	11-04-2020	Record
		Comment: 1-2 to 98-1, ELECTRONICALLY FILED Record Filing Notice

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

OCCD CA	10-19-2020	Notif. Sent-Filing of NAP & Ct. Record
		Comment: Notif. Sent-Filing of NAP & Ct. Record

OCCD CA	10-19-2020	Notice of Appeal & Court Record
		Comment: Notice of Appeal & Court Record

OCCD CA	10-19-2020	X Transfer
---------	------------	------------

OCCD CA	10-13-2020	Statement on Transcript
		Filed By: Kaitlin Lamb
		Status: Prev. Filed
		Comment: Statement on Transcript

OCCD CA	10-13-2020	Notice of Appeal filed in Cir. Ct.
		Comment: Notice of Appeal filed in circuit court

OCCD CA	09-23-2020	Order of Circuit Court
---------	------------	------------------------

OCCD CA	08-24-2020	MXT 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.

Comment: MXT to Decide Postconviction Motion (2nd) Court Order - 8/26/2020

OCCD CA 06-23-2020

MXT 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.

Comment: MXT to Decide Postconviction Motion Court Order - 6/25/2020

OCCD CA 03-06-2020

MXT 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.

Comment: 4 MXT to file NAP/PCM (4th) Court Order - 3/10/2020

OCCD CA 01-06-2020

MXT 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).

Comment: 3 MXT to file NAP/PCM (3rd) Court Order - 1/8/2020

OCCD CA 11-05-2019

MXT 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).

Comment: 2 MXT to file NAP/PCM (2nd) Court Order - 11/6/2019

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

MXT 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).

Comment: MXT to file NAP/PCM Court Order - 7/12/2019

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 MXT to respond to court order Court Order - 6/11/2019

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 ext. time to reconstruct the record Court Order - 4/10/20219

OCCD CA 03-07-2019

Court 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.

Comment: 3-7-2019 CTO continued Court Order - 3/7/2019

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,

Comment: Motion to Compel Production/Service of Transcripts

OCCD CA 02-25-2019 Letter/Correspondence

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

OCCD CA 11-02-2018 MXT to file Transcript

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.

Comment: MXT to file Transcript Court Order - 11/6/2018

OCCD CA 06-29-2018 Judgment of Circuit Court
