

Wisconsin Supreme Court and Court of Appeals Case Access

Vincent Martinez v. Brian Hayes

Appeal Number 2014AP002095

Court of Appeals District 2

CASE HISTORY

| Status | Court | Filing Date | Anticipated Due Date | Activity |
|--------|-------|-------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OCCD | CA | 05-15-2017 | | Remittitur |
| OCCD | SC | 02-28-2017 | | Letter/Correspondence Comment: no response to PRE to be filed by the state unless ordered by the court. AAG Potts |
| OCCD | SC | 02-21-2017 | | Fee Paid Comment: Invoice No: 18194; Receipt No: 17R 000410 |
| OCCD | SC | 02-21-2017 | | Invoice Issued Comment: Invoice No: 18194 |
| OCCD | CA | 01-26-2017 | | Cites 895 N.W.2d 103 |
| OCCD | CA | 01-26-2017 | | Cites 373 Wis. 2d 308 |
| OCCD | CA | 01-26-2017 | | Opinion Ordered Unpublished |
| OCCD | SC | 01-23-2017 | | Motion for Miscellaneous Relief Filed By: Vincent Martinez Submit Date: 1-23-2017 Decision: (N) No Action Decision Date: 1-23-2017 no action; motion unnecessary, petition and supporting paperwork received before deadline Comment: MXT to file petition to waive filing fee |
| OCCD | SC | 01-23-2017 | | Prisoner indigency papers filed. |
| OCCD | SC | 01-11-2017 | | Letter/Correspondence Comment: From appellant; requesting affidavit of indigency to be sent to him for PRE. |

OCCD SC 01-11-2017 Indigency Forms Sent
Filed By: Unassigned District 2
Submit Date: 1-23-2017
Decision: (O) Other
Decision Date: 1-23-2017
ORD prepayment waived. Filing fee due.
Motion Response
Filed By: Vincent Martinez
Submit Date: 1-23-2017

OCCD SC 01-03-2017 Petition for Review
Filed By: Vincent Martinez
Submit Date: 3-1-2017
Decision: (D) Deny
Decision Date: 5-15-2017
ORD that the petition for review is denied, without costs.
FRO that the motion for appointed counsel is also denied.
Motion Response
Filed By: Vincent Martinez
Submit Date: 3-1-2017
Comment: 1/5/17 CTO mailed in lieu of notice, stmt. in support filed 2/28/17.

OCCD SC 01-03-2017 Motion for Miscellaneous Relief
Filed By: Vincent Martinez
Submit Date: 1-3-2017
Decision: (D) Deny
Decision Date: 1-5-2017
ORD that the motion for extension of time 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, 273 N.W.2d 704(1979); and
FRO that the motion for extension of time shall be deemed to be timely but nonconforming petition for review. However, a statement in support of the petition, conforming to the requirements of Wis. Stat. 809.62(2) and (4), must be filed with the clerk of this court by 3/6/17. If the statement is not filed by that time, this petition will be summarily dismissed. No further extensions will be granted; and
FRO that the motion for appointment of counsel is held in abeyance pending further order of the court.
Comment: MXT to file PRE

OCCD CA 12-21-2016 [Opinion/Decision](#)
Judge Panel: Gundrum, Hagedorn, Reilly
Opinion: Opinion
Decision: Affirmed Pages: 18
Written by: Gundrum, Mark D.
Order Text: Order affirmed

OCCD CA 10-13-2016 Submitted on Briefs

OCCD CA 09-21-2016 Hold Status

OCCD CA 09-20-2016 Response
Comment: Respondent's Notice of Withdrawal of Argument 1, in response to 9/16/16 CTO

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------|
| OCCD CA | 09-16-2016 | Court Order |
| ORD that no later than 10/5/16, the respondent shall file a response to this order. | | |
| OCCD CA | 03-23-2016 | Court Order |
| ORD that this appeal is held in abeyance pending this court's resolution of Antjuan Redmond v. Brian Foster, 2014AP2637. | | |
| OCCD CA | 12-15-2015 | Briefs Received At State Law Library |
| OCCD CA | 12-02-2015 | Record and Briefs Sent to District 2 |
| OCCD CA | 12-01-2015 | Reply Brief Reply Brief |
| Filed By: Vincent Martinez | | |
| Comment: Reply Brief | | |
| OCCD CA | 11-20-2015 | Brief of Respondent(s) Brief of Respondent |
| Filed By: Abigail Potts | | |
| OCCD CA | 10-26-2015 | Certificate of Filing by Mail |
| Comment: BAP | | |
| OCCD CA | 10-22-2015 | Brief & Appx of Appellant(s) Amended Brief of Appellant(s) |
| Filed By: Vincent Martinez | | |
| Comment: Amended Amended Brief of Appellant(s) Appx to Amended Brief of Appellant(s) | | |
| OCCD CA | 09-21-2015 | Motion to Extend Time |
| Filed By: Vincent Martinez | | |
| Submit Date: 9-21-2015 | | |
| Decision: (G) Grant | | |
| Decision Date: 9-24-2015 | | |
| ORD that the time for the appellant to file the appellant's amended brief is extended to 11/5/15. See Wis. Stat. Rule 809.82(2)(a) (2013-14). | | |
| See BAP event due on 11-5-2015 | | |
| OCCD CA | 09-08-2015 | Motion to Waive Filing Requirements |
| Filed By: Vincent Martinez | | |
| Submit Date: 9-8-2015 | | |
| Decision: (D) Deny | | |
| Decision Date: 9-9-2015 | | |
| ORD that the motion to reduce the number of copies of briefs and appendices is denied. | | |
| FRO that the appellant's brief and appendix shall be filed on or before 10/6/15. | | |
| Comment: copy requirement; petition to waive fees/costs filed along with motion | | |

| | | |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| OCCD CA | 08-27-2015 | Record |
| | Comment: RE-FILE: 1-8 to 82-1 | |
| OCCD CA | 08-27-2015 | Hold Status |
| OCCD CA | 08-11-2015 | Motion to Extend Time |
| | Filed By: Theresa Russell | |
| | Submit Date: 8-11-2015 | |
| | Decision: (G) Grant | |
| | Decision Date: 8-12-2015 | |
| | ORD that the time for the clerk to return the record in this case is extended to August 31, 2015. Wis. Stat. Rules 809.15(4)(a) and 809.82(2)(a) (2013-14). | |
| | See REC event due on 8-31-2015 | |
| OCCD CA | 08-10-2015 | Attorney Change |
| | Comment: AAG Abigail Potts for respondent per letter notice of appearance | |
| OCCD CA | 08-06-2015 | Statement on Transcript |
| | Filed By: Vincent | |
| | Status Martinez: Prev. Filed | |
| | Comment: Amended | |
| OCCD CA | 07-20-2015 | Motion for Miscellaneous Relief |
| | Filed By: Vincent Martinez | |
| | Submit Date: 7-20-2015 | |
| | Decision: (O) Other | |
| | Decision Date: 8-4-2015 | |
| | ORD that the time for filing the post-remand amended statement on transcript is extended to 9/2/15. | |
| | FRO that the clerk of the circuit court shall return the record, including any additional portions pertaining to the remand, see Wis. Stat. s. 808.075(7), to this court within 14 days of 9/2/15 if no amended statement on transcript is filed, or within 14 days of the filing of the transcript to be produced according to the amended statement on transcript. | |
| | Comment: ext. time to file SRT; 8/3/15 - Martinez requests status of MMS | |
| OCCD CA | 07-16-2015 | Notif. Sent - Filing of NOP & Ct. Rec. |
| | Comment: Additional | |
| OCCD CA | 07-16-2015 | Notice of Addtl/Amended (Other) Appeal |
| | Comment: Additional | |
| OCCD CA | 07-13-2015 | Other Appeal Filed In Circuit Court |
| | Comment: Additional | |
| OCCD CA | 07-06-2015 | Order of Circuit Court |
| OCCD CA | 02-09-2015 | Motion for Miscellaneous Relief |

Filed By: Andrew Goring

Submit Date: 2-9-2015

Decision: (G) Grant

Decision Date: 2-10-2015

ORD that the time for the circuit court to enter a written order deciding the petition for writ of habeas corpus is extended to 7/21/15. Additional provisions set forth in our January 15, 2015 order remain in full force and effect.

Comment: Judge Goring requests 90 day ext. to enter written order

OCCD CA 01-15-2015

Record Remanded to Circuit Court

Comment: for purposes of deciding the parties' motions to supplement the record and the petition for writ of habeas corpus filed by Martinez on 8/6/14, pursuant to 1/15/15 CTO

OCCD CA 12-05-2014

Motion to Correct/Supplement Record

Filed By: Maria Lazar

Submit Date: 12-11-2014

Decision: (G) Grant

Decision Date: 1-15-2015

IT IS ORDERED that pursuant to WIS. STAT. 808.075(6), the record is remanded to the circuit court for purposes of deciding the parties motions to supplement the record and the Petition for Writ of Habeas Corpus filed by Martinez on August 6, 2014. Copies of the parties motions to supplement shall be provided along with the record.

IT IS FURTHER ORDERED that the circuit court shall decide the parties motions to supplement within thirty-five days, and shall set a deadline for the filing of any supplementary materials ordered.

IT IS FURTHER ORDERED that on or before April 21, 2015, the circuit court shall enter a written order deciding the Petition for Writ of Habeas Corpus filed by Martinez on August 6, 2014. If additional time is needed, the parties may file an extension motion supported good cause.

IT IS FURTHER ORDERED that if the appeal will be pursued after the decision on remand, within seven days of the decision on remand, the appellant shall file an amended statement on transcript with respect to the remand hearing(s), if any.

IT IS FURTHER ORDERED that the clerk of the circuit court shall return the record, including any additional portions pertaining to the remand, see WIS. STAT. 808.075(7), to this court within fourteen days of the decision on remand if no amended statement on transcript is filed, or within fourteen days of the filing of the transcript to be produced according to the amended statement on transcript.

IT IS FURTHER ORDERED that any objection to the order entered on remand shall be included in the parties briefs and no separate objection under WIS. STAT. 808.075(8), is necessary.

Motion Response

Filed By: Vincent Martinez

Submit Date: 12-11-2014

Motion Response

Filed By: Maria Lazar

Submit Date: 12-16-2014

Motion Response

Filed By: Vincent Martinez

Submit Date: 12-26-2014

OCCD CA 11-26-2014

Brief & Appx of Appellant(s)

Filed By: Vincent Martinez

OCCD CA 11-10-2014

Letter/Correspondence

Comment: from appellant inquiring as to status of his petition to waive filing fee; crossed in mail with court's 11/6/14 CTO advising filing fee was paid

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------|
| OCCD CA | 11-03-2014 | Motion to Extend Time |
| Filed By: Vincent Martinez Submit Date: 11-3-2014 Decision: (G) Grant Decision Date: 11-4-2014 ORD that the time for the appellant to file an appellant's brief is extended to December 12, 2014. See Wis. Stat. Rule 809.82(2)(a) (2011-12) See BAP event due on 12-12-2014 | | |
| OCCD CA | 10-16-2014 | Prisoner indigency papers filed. |
| Comment: no action; filing fee previously paid | | |
| OCCD CA | 10-14-2014 | Attorney Change |
| Comment: AAG Maria S. Lazar for State per filing of Notice of Appearance and Substitution of Counsel | | |
| OCCD CA | 10-09-2014 | Letter/Correspondence |
| Comment: applnt. request information on service of brief; letter response sent | | |
| OCCD CA | 10-02-2014 | Record |
| Comment: 1-8 to 16-1 | | |
| OCCD CA | 09-16-2014 | Fee Paid |
| Comment: Receipt No: 14R 002457 | | |
| OCCD CA | 09-15-2014 | Motion for Miscellaneous Relief |
| Filed By: Vincent Martinez Submit Date: 9-15-2014 Decision: (D) Deny Decision Date: 9-16-2014 ORD that the motion to amend the caption is denied. Comment: request to amend caption | | |
| OCCD CA | 09-15-2014 | Statement on Transcript |
| Filed By: Vincent Status Martinez: Not Needed | | |
| OCCD CA | 09-08-2014 | Indigency Forms Sent |
| Filed By: Unassigned District 2 Submit Date: 9-16-2014 Decision: (N) No Action Decision Date: 9-16-2014 no action; fee paid | | |
| OCCD CA | 09-08-2014 | Notif. Sent-Filing of NAP & Ct. Record |
| OCCD CA | 09-08-2014 | RAP and Guide Sent |

WSCCA Case History

| | | |
|---------|------------|---------------------------------|
| OCCD CA | 09-05-2014 | Notice of Appeal & Court Record |
|---------|------------|---------------------------------|

| | | |
|---------|------------|------------------------------------|
| OCCD CA | 08-29-2014 | Notice of Appeal filed in Cir. Ct. |
|---------|------------|------------------------------------|

| | | |
|---------|------------|------------------------|
| OCCD CA | 08-19-2014 | Order of Circuit Court |
|---------|------------|------------------------|
