

Wisconsin Supreme Court and Court of Appeals Case Access

State v. David Gutierrez

Appeal Number 2017AP002364 - CR

Court of Appeals District 2

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
RECV	SC	08-02-2019		Petition for Review
		Filed By: 10264 (O'Brien, Daniel) Submit Date: 8-28-2019		
OCCD	CA	09-17-2019		Final Publication
OCCD	CA	08-28-2019		Opinion Ordered Published
OCCD	CA	08-28-2019		Public Domain Citation
		Comment: PDC No: 2019 WI App 41		
OCCD	SC	08-05-2019		Fee Waived
		Comment: State		
OCCD	CA	07-03-2019		Opinion/Decision
		Judge Panel: Gundrum, Hagedorn, Reilly Opinion: Opinion Decision: Reversed and remanded Pages: 11 Written by: Reilly, Paul F. Hagedorn, Brian K. Wrote Dissenting Opinion 9 pages. Order Text: Judgment and order reversed and cause remanded		
OCCD	CA	01-29-2019		Submitted on Briefs
OCCD	CA	11-26-2018		Motion for Miscellaneous Relief
		Filed By: Chris Gramstrup Submit Date: 11-26-2018 Decision: (G) Grant Decision Date: 11-27-2018 ORD that the motion to waive the electronic filing requirement is granted. Comment: Motion to waive e-filing requirements		
OCCD	CA	11-26-2018		Response

Comment: BRY efiled?

OCCD CA 11-23-2018 Briefs Received At State Law Library

OCCD CA 11-21-2018 Sua Sponte

Filed By: Unassigned District 2

Submit Date: 11-21-2018

Decision: (O) Other

Decision Date: 11-27-2018

ORD that the motion to waive the electronic filing requirement is granted.

Comment: BRY not efiled

OCCD CA 11-09-2018 Other Papers

Comment: Notice: A paper copy of the Reply Brief has been filed by the appellant's attorney with minor corrections to the cover (the case number was corrected). This document has not been properly filed in electronic form as required by WIS. STAT. RULE 809.19(12). Counsel shall file a corrected copy of the document in electronic form within 5 days of the date of this order. Failure to file the corrected document in electronic form may result in the imposition of a penalty under WIS. STAT. RULE 809.83(2). See also WIS. STAT. RULE 809.80(5)(b).

OCCD CA 11-06-2018 Record and Briefs Sent to District 2

OCCD CA 11-02-2018 Reply Brief
[Reply Brief](#)

Filed By: Chris Gramstrup

Comment: Please note that the appeal number was corrected on all briefs. Reply Brief

OCCD CA 10-12-2018 Brief of Respondent(s)
[Brief of Respondent](#)

Filed By: 10264 (O'Brien, Daniel)

OCCD CA 09-27-2018 Motion to Extend Time

Filed By: 10264 (O'Brien, Daniel)

Submit Date: 9-27-2018

Decision: (G) Grant

Decision Date: 10-1-2018

ORD that the time for the respondent to file its brief is extended to October 12, 2018. SEE WIS. STAT. RULE 809.82(2)(a).

See BRS event due on 10-12-2018

OCCD CA 09-12-2018 Motion to Extend Time

Filed By: 10264 (O'Brien, Daniel)

Submit Date: 9-12-2018

Decision: (G) Grant

Decision Date: 9-14-2018

ORD that the time for the respondent to file its respondent's brief is extended to September 27, 2018.

SEE WIS. STAT. RULE 809.82(2)(a).

See BRS event due on 9-27-2018

OCCD CA	08-13-2018	Motion to Extend Time
<p>Filed By: 10264 (O'Brien, Daniel) Submit Date: 8-13-2018 Decision: (G) Grant Decision Date: 8-15-2018 ORD that the time for the respondent to file its brief is extended to 9-12-2018. See Wis. Stat. Rule 809.82(2)(a). See BRS event due on 9-12-2018</p>		
OCCD CA	08-02-2018	Statement on Transcript
<p>Filed By: Chris Gramstrup Status: Prev. Filed Comment: Additional; 2/3/17 transcript filed 7/10/18 per 7/13/18 CRS</p>		
OCCD CA	07-20-2018	Delinquent
<p>Comment: New due date of connected SRT: 7-27-2018</p>		
OCCD CA	07-13-2018	Other Papers
<p>Comment: CRS: 2/3/17 transcript filed 7/10/18; CR Marjorie Kurtz</p>		
OCCD CA	07-13-2018	Supplement to Record
<p>Comment: 122-1 to 127-12, ELECTRONICALLY FILED</p>		
OCCD CA	06-20-2018	Motion to Correct/Supplement Record
<p>Filed By: 10264 (O'Brien, Daniel) Submit Date: 6-21-2018 Decision: (O) Other Decision Date: 6-26-2018 ORD that the respondent's motion to compel the appellant to supplement the record with the transcript of the February 3, 2017 oral ruling is granted. FRO that the appellant's counsel shall file another statement on transcript concerning the February 3, 2017 oral ruling no later than July 10, 2018. FRO that the court reporter shall serve and file the supplemental transcript within twenty days of the date of this order. See Wis. Stat. Rule 809.11(7)(a). FRO that the clerk of the circuit court shall transmit the supplemental transcript to the clerk of this court as part of a supplemental return to the record within seven days of its filing. FRO that the time for the respondent to file its brief is extended to thirty days after the filing of the supplemental return. See Wis. Stat. Rule 809.82(2)(a). Comment: with 2/3/17 transcript & MXT to file BRS</p>		
OCCD CA	06-05-2018	Attorney Change
<p>Comment: AAG Daniel J. O'Brien for State per letter of appearance. Criminal Appeals Unit removed.</p>		
OCCD CA	05-30-2018	Rejected Electronic Document
<p>Comment: Brief of Appellant; the corrected efile has been accepted. No further action required.</p>		
OCCD CA	05-22-2018	Brief & Appx of Appellant(s) Brief of Appellant

Filed By: Chris Gramstrup

Comment: Note that the district number has been added to all briefs. Please use this number on all future correspondence. Additionally, a back cover has been added to this brief. Note that covers include a front and back cover, pursuant to Rule 809.19(9). Received separate e-file certification pursuant to Rule 809.19(12). Appx to Brief of Appellant(s)

OCCD CA 05-21-2018 Motion to Extend Time

Filed By: Chris Gramstrup
Submit Date: 5-23-2018
Decision: (N) No Action
Decision Date: 5-30-2018
no action
See BAP event due on 5-25-2018

OCCD CA 05-16-2018 Delinquency Motion

Filed By: Unassigned District 2
Submit Date: 5-16-2018
Decision: (O) Other
Decision Date: 5-17-2018
ORD that the required number of appellant's briefs and appendices shall be filed no later than May 25, 2018. Failure to comply with this order will result in the imposition of sanctions, monetary or otherwise, upon appellate counsel.
See BAP event due on 4-24-2018

OCCD CA 04-10-2018 Supplement to Record

Comment: 120-86 to 121-1 ELECTRONICALLY FILED

OCCD CA 03-30-2018 Motion to Correct/Supplement Record

Filed By: Chris Gramstrup
Submit Date: 3-30-2018
Decision: (G) Grant
Decision Date: 4-2-2018
ORD that the appellant's motion to supplement the record is granted. Within ten days of the date of this order, the clerk of the circuit court shall transmit the material described above to the clerk of court of appeals as part of a supplemental return to the record.
FRO that the time for the appellant to file his appellant's brief is extended to ten days after the filing of the supplemental return. See Wis. Stat. Rule 809.82(2)(a).
Comment: transcript 12-9-16

OCCD CA 03-12-2018 Motion to Extend Time

Filed By: Chris Gramstrup
Submit Date: 3-21-2018
Decision: (G) Grant
Decision Date: 3-22-2018
ORD that the appellant's brief shall be filed on or before April 10, 2018.
See BAP event due on 4-10-2018

OCCD CA 02-27-2018 Delinquent

Comment: New due date of connected BAP: 3-6-2018

OCCD CA	01-11-2018	Court Order
		ORD that the deadline for the trial court to decide the postconviction motion is extended to February 21, 2017.
OCCD CA	01-09-2018	Sealed Documents
		Comment: Sealed Document #55
OCCD CA	01-09-2018	Record
		Comment: ELECTRONICALLY FILED; 1-11 to 119-21
OCCD CA	01-08-2018	Non-Electronic Record Item
		Comment: Exhibit #1: DVD
OCCD CA	12-04-2017	Fee Waived
		Comment: SPD appointed.
OCCD CA	12-04-2017	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	12-04-2017	Statement on Transcript
		Filed By: Chris Gramstrup Status: Prev. Filed
OCCD CA	12-04-2017	Notice of Appeal & Court Record
OCCD CA	12-04-2017	X Transfer
OCCD CA	12-04-2017	MXT to file NAP/PCM
		Filed By: Chris Gramstrup Submit Date: 12-4-2017 Decision: (G) Grant Decision Date: 12-13-2017 ORD that the time to file a notice of appeal is retroactively extended to November 28, 2017; the notice of appeal is deemed timely filed.
OCCD CA	11-28-2017	Notice of Appeal filed in Cir. Ct.
OCCD CA	02-28-2017	Received SPD Appointment Order
		Comment: Attorney Chris Gramstrup Received SPD Appointment Order; received additional copy of SPD appointment order 12/4/17
OCCD CA	02-21-2017	Order of Circuit Court
OCCD CA	02-09-2017	Attorney Change
		Comment: DA Christianson for former DA Sargent

OCCD CA 02-09-2017 Motion to Withdraw as Counsel
Filed By: John Pray
Submit Date: 2-9-2017
Decision: (O) Other
Decision Date: 2-10-2017
ORD that no action is taken on the motion to withdraw.
FRO that the time for filing a notice of appeal is extended to 60 days from the date that the circuit court enters a written order denying the postconviction motion. See Wis. Stat. Rule 809.82(2)(a).
Comment: and extend time to file NAP Motion to Withdraw as Counsel

OCCD CA 12-13-2016 MXT to Decide Postconviction Motion
Filed By: John Pray
Submit Date: 12-13-2016
Decision: (G) Grant
Decision Date: 12-14-2016
ORD that the time for deciding the defendant's postconviction motion is extended to 2-13-2017. See Wis. Stat. Rule 809.82(2)(a)(2013-14).
Comment: Dec 14, 2016 CTO MXT to Decide Postconviction Motion

OCCD CA 10-03-2016 Attorney Change
Comment: Removed AAG Weber; Added Criminal Appeals Unit

OCCD CA 10-03-2016 MXT to Decide Postconviction Motion
Filed By: John Pray
Submit Date: 10-3-2016
Decision: (G) Grant
Decision Date: 10-12-2016
ORD that the time for deciding the defendant's postconviction motion is extended to 12-23-2016. See Wis. Stat. Rule 809.82(2)(a)(2013-14).
Comment: Oct 12, 2016 CTO MXT to Decide Postconviction Motion

OCCD CA 08-22-2016 Attorney address updated
Comment: Address changed for attorney: 36575 Kyle J. Sargent

OCCD CA 06-16-2016 MXT to file NAP/PCM
Filed By: John Pray
Submit Date: 6-17-2016
Decision: (G) Grant
Decision Date: 6-20-2016
ORD that the time for filing a notice of appeal or postconviction motion is extended to 8-17-2016. See Wis. Stat. Rule 809.82(2)(a)(2013-14).
Comment: Jun 20, 2016 CTO MXT to file NAP/PCM

OCCD CA 05-02-2016 Miscellaneous Motion on XX-Case
Filed By: John Pray
Submit Date: 5-2-2016
Decision: (G) Grant
Decision Date: 5-5-2016
ORD that the time for requesting transcripts under Wis. Stat. Rule 809.30(2)(e) is extended to

4-13-0216. See Wis. Stat. Rule 809.82(2)(a).

Comment: extend deadline to request transcripts and clarification of deadline to file PCM/NAP May 5, 2016 CTO Miscellaneous Motion on XX-Case

OCCD CA 11-02-2015

MXT to file Transcript

Filed By: Marjorie Kurtz

Submit Date: 11-2-2015

Decision: (G) Grant

Decision Date: 11-3-2015

ORD that the time for filing the transcripts in this case is extended to January 4, 2016. See Wis. Stat. Rule 809.11(7)(c).

Comment: Nov 3, 2015 CTO MXT to file Transcript

OCCD CA 07-15-2015

Judgment of Circuit Court
