

# Wisconsin Supreme Court and Court of Appeals Case Access

## State v. Philip J. Hawley

### Appeal Number 2015AP001113 - CR

Court of Appeals District 4

#### CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	09-14-2021		Remittitur
OCCD	SC	09-14-2021		Hold Status
OCCD	SC	07-28-2021		Response Comment: Respondent Response to 02/24/2021 order
OCCD	SC	07-28-2021		Response Comment: Appellant response per 7/14/2021 court order
OCCD	SC	07-14-2021		Court Order IT IS ORDERED that the parties file simultaneous letters/briefs by July 28, 2021, discussing the impact of the Prado case, if any, on the issue raised in the petition for review. BRIAN HAGEDORN, J., did not participate. Comment: 07/14/2021 Order
OCCD	SC	02-24-2021		Court Order IT IS ORDERED that the petition for review shall be held in abeyance pending this court's disposition of Case No. 2016AP308-CR, State v. Prado (petition for review accepted on October 21, 2020; oral argument scheduled for March 18, 2021). BRIAN HAGEDORN, J., did not participate. Comment: 2-24-2021 Court Order
OCCD	CA	12-23-2020		Cites 395 Wis. 2d 293
OCCD	CA	12-23-2020		Cites 953 N.W.2d 111
OCCD	SC	12-23-2020		Letter/Correspondence Comment: from AG Sanders; State will not file formal response to the petition for review unless ordered by the court

OCCD CA	12-23-2020	Opinion Ordered Unpublished
OCCD SC	12-22-2020	Fee Waived
	Comment: Fee waived in COA	
OCCD SC	12-21-2020	Petition for Review <a href="#">Petition for Review</a>
	Filed By: Brandon Kuhl Submit Date: 12-23-2020 Decision: (D) Deny Decision Date: 9-14-2021 IT IS ORDERED that the petition for review is denied, without costs. BRIAN HAGEDORN, J., did not participate. Comment: Ack. of Petition for Review 09-14-2021 Order	
OCCD CA	11-19-2020	<a href="#">Opinion/Decision</a>
	Judge Panel: Kloppenburg, Blanchard, Nashold Opinion: Per Curiam Decision: Affirmed Pages: 13 Order Text: Judgment and order affirmed.	
OCCD CA	11-04-2020	Briefs Received At State Law Library
	Comment: Supplemental letter briefs	
OCCD CA	10-15-2020	Briefs Sent to District
OCCD CA	10-15-2020	Certificate of Filing by Mail
	Comment: Appellant's supplemental letter brief 10 copies mailed 10-12-2020 (IB)	
OCCD CA	10-15-2020	Other Brief <a href="#">Acknowledgement of Appellant BOT</a>
	Filed By: Brandon Kuhl  Comment: Appellant's (P. Hawley) supplemental letter brief, per 9/28/2020 CTO; Acknowledgement of Appellant BOT	
OCCD CA	10-14-2020	Briefs Sent to District
	Comment: State BOT	
OCCD CA	10-12-2020	Other Brief <a href="#">State's Supplemental Letter Brief</a>
	Filed By: Michael Sanders  Comment: Respondent's (State of WI) supplemental letter brief, per 9/28/2020 CTO; Acknowledgement of State's letter brief	

OCCD CA	09-28-2020	Court Order
<p>IT IS ORDERED that, within 14 days of the date of this order, the parties shall file supplemental letter briefs as described above.  See DAC event filed on 11-16-2020  Comment: Court Order 09282020</p>		
OCCD CA	12-09-2019	Submitted - Other
OCCD CA	12-06-2019	Response
<p>Comment: Appellant's Response; Regarding whether this court may rely on their letter brief filed in the Wisconsin Supreme Court as their current position in this matter per 11/21/19 CTO; Appellant's Response 12062019</p>		
OCCD CA	12-03-2019	Rejected Electronic Document
<p>Comment: Appellant Response: This document is being rejected because currently we do not accept e-filing of such documents. Please mail the response, or fax it to 608-267-0640.</p>		
OCCD CA	11-26-2019	Response
<p>Comment: Respondent's Response; Regarding whether this court may rely on their letter brief filed in the Wisconsin Supreme Court as their current position in this matter per 11/21/19 CTO; Respondent's Response 11262019</p>		
OCCD CA	11-21-2019	Court Order
<p>ORD that, within five days of the date of this order, the parties shall file responses indicating whether this court may rely on their letter briefs filed in the Wisconsin Supreme Court as their current positions in this matter.  See DAC event filed on 11-16-2020  Comment: Court Order 11212019</p>		
OCCD CA	09-03-2019	Hold Status
OCCD SC	07-08-2019	Court Order
<p>ORD that the parties file simultaneous letters/briefs by 7/22/19, discussing the impact of the Mitchell decision, if any, on the issues presented in the pending certification.  See CRT event filed on 11-21-2018</p>		
OCCD SC	01-15-2019	Court Order
<p>ORD the certification shall be held in abeyance pending the U.S. Supreme Court's disposition of Mitchell v. Wisconsin, U.S. Case No. 18-6210 (cert. granted January 11, 2019).  See CRT event filed on 11-21-2018</p>		
OCCD SC	01-14-2019	Letter/Correspondence
<p>Comment: From AG Sanders; Informing Supreme Court that on 1/11/19 the U.S. Supreme Court granted a petition for writ of certiorari in State v. Mitchell in which the issue presented is "Whether a statute authorizing a blood draw from an unconscious motorist provides an exception to the Fourth Amendment warrant requirement".</p>		

OCCD SC 11-21-2018 Certification Filed  
Filed By: Unassigned District 4  
Submit Date: 11-21-2018  
Decision: (D) Deny  
Decision Date: 9-3-2019  
ORD that the certification is refused.  
Motion Response  
Filed By: Michael Sanders  
Submit Date: 7-24-2019  
Motion Response  
Filed By: Brandon Kuhl  
Submit Date: 7-24-2019  
See DEC event filed on 11-21-2018  
This motion contains court order(s).  
Comment: Certification held in abeyance pending Mitchell v. Wisconsin, U.S. Case No. 18-6210; parties shall file letters/brief discussing the impact of the Mitchell decision, if any, on the issues presented in the pending certification, by 7/22/19; 7/22/19 - rseponse filed by respondent per 7/8/19 CTO

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OCCD CA 11-21-2018 [Opinion/Decision](#)  
Judge Panel: Kloppenburg, Lundsten, Blanchard  
Opinion: Certification  
Decision: Certification Filed Pages: 19  
Order Text: Does a warrantless blood draw from an unconscious OWI suspect pursuant to Wisconsin's implied consent law supply voluntary consent for purposes of the Fourth Amendment.

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OCCD CA 10-26-2018 Briefs Received At State Law Library  
Comment: Supplemental Reply Brief

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OCCD CA 10-04-2018 Briefs Sent to District

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OCCD CA 10-02-2018 Certificate of Filing by Mail  
Comment: Re: Supp. Reply Brief; mailed, 09/28/2018

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OCCD CA 10-02-2018 Other Brief  
[Supplemental Reply Brief](#)  
Comment: Supplemental Reply Brief

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OCCD CA 09-25-2018 Briefs Received At State Law Library  
Comment: Replacement Supplemental Brief of Respondent

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OCCD CA 09-10-2018 Other Brief  
[Replacement Supplemental Brief of Respondent](#)  
Filed By: Michael Sanders  
Comment: Replacement Supplemental Brief of Respondent

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OCCD CA 08-31-2018 Briefs Received At State Law Library

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OCCD CA	08-29-2018	Court Order
<p>ORD that the State has 7 days from the date of this order to file a replacement supplemental brief, not exceeding 4,700 words, that answers all of the questions in our August 7, 2018 order.  FRO that Hawley shall have 15 days after the receipt of the States replacement supplemental brief to file a response, not exceeding 4,700 words, to the States replacement supplemental brief.  See DAC event filed on 11-19-2018</p>		
OCCD CA	08-24-2018	Other Brief
<p>Filed By: Michael Sanders</p> <p>Comment: Supplemental Brief of Respondent</p>		
OCCD CA	08-10-2018	Attorney Change
<p>Comment: AAG Michael C. Sanders for State per letter notice of reassignment</p>		
OCCD CA	08-07-2018	Court Order
<p>IT IS ORDERED that the State shall submit a supplemental brief, not to exceed 4,000 words, addressing the questions and topics as directed in this order within 20 days of the date of this order.  IT IS FURTHER ORDERED that Hawley shall submit a supplemental brief, not to exceed 4,000 words, in response to the States supplemental brief as directed in this order within 20 days of service of the States brief.  See DAC event filed on 11-19-2018</p>		
OCCD CA	07-03-2018	Hold Status
OCCD CA	05-18-2017	Court Order
<p>ORD that this appeal shall be placed on hold pending supreme court action in Mitchell, as describe above.</p>		
OCCD CA	03-01-2017	Hold Status
OCCD CA	03-02-2016	Court Order
<p>ORD that this appeal shall be placed on hold pending supreme court action in Howes, as described above.  See DAC event filed on 11-19-2018</p>		
OCCD CA	12-04-2015	Submitted on Briefs
OCCD CA	11-27-2015	Briefs Received At State Law Library
OCCD CA	11-10-2015	Record and Briefs Sent to District 4
OCCD CA	11-09-2015	Certificate of Filing by Mail
<p>Comment: BRY</p>		
OCCD CA	11-06-2015	Reply Brief

[Reply Brief](#)

Filed By: Brandon Kuhl

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OCCD CA 10-23-2015

Motion to Extend Time

Filed By: Brandon Kuhl

Submit Date: 10-26-2015

Decision: (G) Grant

Decision Date: 10-28-2015

ORD that the time for the appellant to file his reply brief is extended to November 6, 2015. See Wis. Stat. Rule 809.82(2)(a).

See BRY event due on 11-6-2015

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OCCD CA 10-05-2015

Brief of Respondent(s)

[Brief of Respondent](#)

Filed By: Scott Rosenow

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OCCD CA 09-28-2015

Motion to Extend Time

Filed By: Scott Rosenow

Submit Date: 9-29-2015

Decision: (G) Grant

Decision Date: 9-29-2015

ORD that the time to file the respondent's brief is extended to October 6, 2015.

See BRS event due on 10-6-2015

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OCCD CA 09-11-2015

Attorney Change

Comment: Notice of Appearance for State of Wisconsin; delete AAG Weber; add AAG Rosenow

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OCCD CA 08-28-2015

Rejected Electronic Document

Comment: Brief of Appellant: The e-file is rejected because the title of the brief is incorrect. Please e-file a corrected brief.

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OCCD CA 08-27-2015

Brief & Appx of Appellant(s)

[Brief of Appellant](#)

Filed By: Brandon Kuhl

Comment: separate appendix: Please note that the title of this brief has been corrected.

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OCCD CA 08-12-2015

Motion to Extend Time

Filed By: Brandon Kuhl

Submit Date: 8-13-2015

Decision: (G) Grant

Decision Date: 8-17-2015

ORD that the time to file the appellant's brief is extended to August 27, 2015.

See BAP event due on 8-27-2015

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OCCD CA 08-12-2015

Attorney address updated

Comment: Address changed for attorney: 38325 Brandon Kuhl

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WSCCA Case History

OCCD CA	07-03-2015	Sealed Documents
	Comment: PSI #55	
OCCD CA	07-03-2015	Record
	Comment: 1-3 to 82-1	
OCCD CA	06-05-2015	Received SPD Appointment Order
OCCD CA	06-05-2015	Notif. Sent-Filing of NAP & Ct. Record
OCCD CA	06-05-2015	Fee Waived
	Comment: SPD appointed	
OCCD CA	06-05-2015	Statement on Transcript
	Filed By: Brandon Kuhl	
	Status: Prev. Filed	
OCCD CA	06-05-2015	Notice of Appeal & Court Record
OCCD CA	06-05-2015	X Transfer
OCCD CA	06-02-2015	Notice of Appeal filed in Cir. Ct.
OCCD CA	05-12-2015	Order of Circuit Court
OCCD CA	02-19-2015	MXT to file NAP/PCM
	Filed By: Brandon Kuhl	
	Submit Date: 2-20-2015	
	Decision: (G) Grant	
	Decision Date: 2-27-2015	
	ORD that the time to file a postconviction motion or notice of appeal in this matter is extended to March 19, 2015.	
OCCD CA	09-23-2014	Judgment of Circuit Court