

# Wisconsin Supreme Court and Court of Appeals Case Access

## State v. Jimmie Lee Smith

### Appeal Number 2013AP001228 - CR

Supreme Court

#### CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	CA	12-02-2016		Letter/Correspondence Comment: from U.S. Supreme Court: petition for writ of certiorari denied 11/28/2016.
OCCD	SC	10-17-2016		Letter/Correspondence Comment: From U.S. Supreme Court: petition for writ of certiorari filed 10/10/16 docketed 10/13/16 as case no. 16-6409
OCCD	SC	08-18-2016		Remittitur
OCCD	SC	04-27-2016		Motion for Reconsideration Filed By: John Wasielewski Submit Date: 4-27-2016 Decision: (D) Deny Decision Date: 7-12-2016 ORD that the motion for reconsideration is denied. No costs. Comment: Abrahamson, J. and Bradley, A. W., J. dissent (Opinion filed). Bradley, R. G., J. did not participate.
OCCD	SC	04-07-2016		Cites 878 N.W.2d 135
OCCD	SC	04-07-2016		Cites 367 Wis. 2d 483
OCCD	SC	04-07-2016		<a href="#">Opinion/Decision</a> Judge Panel: Roggensack, Abrahamson, Bradley, Prosser, Ziegler, Gableman, Bradley Opinion: Opinion Decision: Reversed Pages: 33 Written by: Roggensack, Patience Drake Abrahamson, Shirley S. Wrote Dissenting Opinion 21 pages. Ziegler, Annette K. Wrote Concurring Opinion 2 pages. Bradley, Ann Walsh Joined Dissenting Opinion Order Text: The decision of the court of appeals is reversed. Rebecca G. Bradley, J., did not participate.

OCCD SC	04-05-2016	Public Domain Citation
	Comment: PDC No: 2016 WI 23	
OCCD SC	11-24-2015	Attorney address updated
	Comment: Address changed for attorney: 16242 John T. Wasielewski	
OCCD SC	10-06-2015	Oral Argument
	Comment: at 1:30 p.m. Atty Christine A Remington for Pla-Res-Pet; Atty John T Wasielewski for Def-App	
OCCD SC	09-08-2015	Briefs Received At State Law Library
OCCD SC	08-17-2015	Reply Brief-Supreme Court <a href="#">Reply Brief-Supreme Court</a>
	Filed By: Christine Remington	
OCCD SC	08-03-2015	Rejected Electronic Document
	Comment: The electronic version of the Supreme Court brief of defendant-appellant was rejected due to the party designation being incorrect under State of WI. It should read Plaintiff-Respondent-Petitioner. Please reload a corrected version and notify the clerk's office staff when done.	
OCCD SC	08-03-2015	Response Brief-Supreme Court <a href="#">Response Brief-Supreme Court</a>
	Filed By: John Wasielewski Comment: Please note the party designation on the caption was corrected on the covers of all briefs. Please use the above caption on all future briefs.	
OCCD SC	07-16-2015	Response
	Comment: 10 extra copies of CA brief for SC.	
OCCD SC	07-13-2015	First Brief-Supreme Court <a href="#">First Brief-Supreme Court</a>
	Filed By: Christine Remington	
OCCD SC	07-10-2015	Assigned-Oral Argument
OCCD SC	06-12-2015	Caption Amended
OCCD SC	06-12-2015	Court Changed to Supreme Court
OCCD CA	05-13-2015	Rejected Electronic Document
	Comment: Letter responses are not efiled.	
OCCD SC	04-29-2015	Court Order

IT IS ORDERED that the parties file simultaneous letters/briefs by May 13, 2015, discussing the impact of the Daniel Case, if any, on the issues raised in the petition for review.

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OCCD SC	04-29-2015	Hold Status
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OCCD SC	01-13-2015	Court Order
IT IS ORDERED that the petition for review shall be held in abeyance pending this court's disposition of Case No. 2012AP2692, State v. Daniel (oral argument heard January 9, 2015).		

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OCCD CA	11-10-2014	Final Publication
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OCCD CA	10-29-2014	Cites
357 Wis. 2d 582		

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OCCD CA	10-29-2014	Cites
855 N.W.2d 422		

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OCCD CA	10-29-2014	Opinion Ordered Published
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OCCD CA	10-29-2014	Public Domain Citation
Comment: PDC No: 2014 WI App 98		

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OCCD SC	10-15-2014	Attorney Change
Comment: Added W. D. Weinstein, AAG, Counsel for Pla-Res		

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OCCD SC	10-15-2014	Fee Waived
Comment: Filed by State		

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OCCD SC	10-15-2014	Petition for Review
Filed By: Christine Remington		
Submit Date: 10-24-2014		
Decision: (G) Grant		
Decision Date: 6-12-2015		
IT IS ORDERED that the petition for review is granted. Briefs/statements 30/20/10.		
Motion Response		
Filed By: Christine Remington		
Submit Date: 5-13-2015		
Motion Response		
Filed By: John Wasielewski		
Submit Date: 5-13-2015		
Comment: 10/24/14, Rec'd Response; 05/13/15, Rec'd responses from parties to 04/29/14 cto		

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OCCD CA	09-16-2014	Errata Issued
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OCCD CA	09-16-2014	Errata Issued
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OCCD CA 09-16-2014 [Opinion/Decision](#)

Judge Panel: Fine, Brennan, Kessler  
Opinion: Opinion  
Decision: Reversed and remanded Pages: 18  
Written by: Kessler, Joan F.  
Order Text: Judgment and order reversed and remanded.

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OCCD CA 04-01-2014 Submitted on Briefs

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OCCD CA 02-17-2014 Briefs Received At State Law Library

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OCCD CA 01-31-2014 Record and Briefs Sent to District 1

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OCCD CA 01-29-2014 Reply Brief  
[Reply Brief](#)

Filed By: John Wasielewski

Comment: received 10 copies of BRY for SC use. PS 7-13-2015

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OCCD CA 01-08-2014 Brief of Respondent(s)  
[Brief of Respondent\(s\)](#)

Filed By: Christine Remington

Comment: received 10 copies of BRS for SC use. PS 7-1-15

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OCCD CA 12-06-2013 Motion to Extend Time

Filed By: Christine Remington

Submit Date: 12-9-2013

Decision: (G) Grant

Decision Date: 12-10-2013

IT IS ORDERED that the deadline for the State to file its brief is extended through January 8, 2014. See Wis. Stat. Rule 809.82(2)(a) (2011-12).

See BRS event due on 1-8-2014

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OCCD CA 11-25-2013 Attorney Change

Comment: W/drew AAG Weber, added AAG Remington as counsel for State per letter.

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OCCD CA 11-07-2013 Rejected Electronic Document

Comment: The e filed version of the Brief of Appellant is being rejected because the only page efiled was the table of authorities. Please reload the complete brief portion along with the e filing certification and notify the Deputy 1 clerk when finished.

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OCCD CA 11-07-2013 Brief & Appx of Appellant(s)  
[Brief of Appellant](#)

Filed By: John Wasielewski

Comment: Appx to Brief of Appellant(s): received 10 copies of BAP for SC use. PS 7-13-2015

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OCCD CA 11-01-2013  
Comment: 96-18 to 100-5

Supplement to Record

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OCCD CA 09-27-2013

Motion to Correct/Supplement Record

Filed By: John Wasielewski  
Submit Date: 10-15-2013  
Decision: (G) Grant  
Decision Date: 10-18-2013

IT IS ORDERED that the appellant shall cause the above-listed documents to be filed with the clerk of circuit court within five days if they are not already part of the circuit court record. IT IS FURTHER ORDERED that the clerk of the circuit court shall file a supplemental return to include the above-listed items no later than five days from the date of this order or, if the documents are not currently part of the circuit court record, no later than five days from the date they are filed by the appellant. IT IS FURTHER ORDERED that the time for the appellant to file an appellants brief is extended until five days from the date the record is supplemented.

Comment: & MXT/ BAP

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OCCD CA 09-25-2013

Motion to Extend Time

Filed By: John Wasielewski  
Submit Date: 9-26-2013  
Decision: (G) Grant  
Decision Date: 9-27-2013

IT IS ORDERED that the time for the appellant to file an appellant's brief is extended until 09/30/13. See Wis. Stat. Rule 809.82(2)(a) (2011-12).  
See BAP event due on 9-30-2013

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OCCD CA 08-19-2013

Court Order

IT IS ORDERED that the deadline for the trial court to decide the postconviction motion is extended to May 13, 2013.

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OCCD CA 08-16-2013

Record

Comment: 1-16 to 95-5

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OCCD CA 08-02-2013

Motion to Extend Time

Filed By: John Barrett  
Submit Date: 8-2-2013  
Decision: (G) Grant  
Decision Date: 8-6-2013

IT IS ORDERED that the deadline for transmitting the record to this court is extended until August 19, 2013.

See REC event due on 8-19-2013

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OCCD CA 07-17-2013

Court Reporter's Statement-Trans.

Court Reporter Name: (Palis, Karen)  
Comment: DO NOT PURSUE, transcript filed 07/17/13

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OCCD CA 07-12-2013

Motion to Extend Time

Filed By: John Barrett  
Submit Date: 7-12-2013

Decision: (G) Grant

Decision Date: 7-17-2013

IT IS ORDERED the deadline for the Milwaukee County Clerk of Circuit Court to transmit the record to the court of appeals is extended through 08/05/13. See Wis. Stat. Rule 809.82(2)(a)(2011-12).

See REC event due on 8-5-2013

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OCCD CA	07-09-2013	Statement on Transcript
Filed By: John Wasielewski		
Status: Ordered		
Comment: (per 06/13/2013 cto), 06/20/13, CRS filed by Karen Keto of 03/31/11 transcript on 06/17/13		

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OCCD CA	06-12-2013	Motion to Extend Time
Filed By: John Wasielewski		
Submit Date: 6-12-2013		
Decision: (G) Grant		
Decision Date: 6-13-2013		
IT IS ORDERED the deadline for Smith to file his statement or statements on transcripts in this matter is extended to 07/05/13.		
See SRT event due on 7-5-2013		

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OCCD CA	06-03-2013	Notif. Sent-Filing of NAP & Ct. Record
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OCCD CA	06-03-2013	Notice of Appeal & Court Record
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OCCD CA	06-03-2013	X Transfer
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OCCD CA	05-28-2013	Received SPD Appointment Order
Comment: Filed by John T. Wasielewski		

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OCCD CA	05-28-2013	Notice of Appeal filed in Cir. Ct.
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OCCD CA	05-13-2013	Order of Circuit Court
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OCCD CA	03-11-2013	MXT to Decide Postconviction Motion
Filed By: John Wasielewski		
Submit Date: 3-11-2013		
Decision: (G) Grant		
Decision Date: 3-13-2013		
IT IS ORDERED that the deadline for the circuit court to decide Smith's postconviction motion is extended through May 10, 2013. See Wis. Stat. Rule 809.82(2)(a) (2011-12).		
Comment: 8th		

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OCCD CA	01-28-2013	MXT to Decide Postconviction Motion
Filed By: John Wasielewski		
Submit Date: 1-28-2013		
Decision: (G) Grant		
Decision Date: 1-30-2013		
IT IS ORDERED that the deadline for the circuit court to decide Smith's postconviction motion is		

extended through March 15, 2013. See Wis. Stat. Rule 809.82(2)(a) (2011-12).  
Comment: 7th

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OCCD CA 09-27-2012 MXT to Decide Postconviction Motion

Filed By: John Wasielewski  
Submit Date: 9-28-2012  
Decision: (G) Grant  
Decision Date: 10-1-2012  
IT IS ORDERED the deadline for deciding the postconviction motion is extended until 02/01/13.  
Comment: 6th

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OCCD CA 08-24-2012 MXT to Decide Postconviction Motion

Filed By: John Wasielewski  
Submit Date: 8-24-2012  
Decision: (G) Grant  
Decision Date: 8-27-2012  
IT IS ORDERED that the deadline for the circuit court to decide the postconviction motion is extended to September 28, 2012.  
Comment: 5th

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OCCD CA 06-01-2012 MXT to Decide Postconviction Motion

Filed By: John Wasielewski  
Submit Date: 6-1-2012  
Decision: (G) Grant  
Decision Date: 6-5-2012  
IT IS ORDERED the deadline for the circuit court to decide the postconviction motion is extended to 08/24/12.  
Comment: 4th

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OCCD CA 04-04-2012 MXT to Decide Postconviction Motion

Filed By: John Wasielewski  
Submit Date: 4-4-2012  
Decision: (G) Grant  
Decision Date: 4-5-2012  
IT IS ORDERED that the deadline for the circuit court to decide Smith's postconviction motion is extended through June 1, 2012. See Wis. Stat. Rule 809.82(2)(a) (2009-10).  
Comment: 3d

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OCCD CA 02-15-2012 MXT to Decide Postconviction Motion

Filed By: John Wasielewski  
Submit Date: 2-15-2012  
Decision: (G) Grant  
Decision Date: 2-16-2012  
ORD that the deadline for the circuit court to decide Smith's postconviction motion is extended through May 4, 2012. See WIS. STAT. RULE 809.82(2)(a) (2009-10).  
Comment: 2nd.

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OCCD CA 11-28-2011 MXT to Decide Postconviction Motion

Filed By: John Wasielewski  
Submit Date: 11-28-2011  
Decision: (G) Grant

Decision Date: 11-30-2011

IT IS ORDERED the deadline for deciding the postconviction motion is extended until 02/29/12.

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OCCD CA 08-17-2011

MXT to file NAP/PCM

Filed By: John Wasielewski

Submit Date: 8-17-2011

Decision: (G) Grant

Decision Date: 8-18-2011

IT IS ORDERED the deadline for Smith to file a postconviction motion or notice of appeal in this matter is extended to 09/30/11.

Comment: 7th

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OCCD CA 06-21-2011

Court Order

IT IS ORDERED that the State shall, within fifteen days from the date of this order, file a response to Smith's motion for an extension of the deadline to file a postconviction motion or notice of appeal.

See XNP event filed on 6-20-2011

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OCCD CA 06-20-2011

MXT to file NAP/PCM

Filed By: John Wasielewski

Submit Date: 6-20-2011

Decision: (G) Grant

Decision Date: 7-7-2011

IT IS ORDERED that the deadline for Smith to file a postconviction motion or notice of appeal is extended through August 19, 2011. See WIS. STAT. RULE 809.82(2)(a)(2009-10).

Motion Response

Filed By: Gregory Weber

Submit Date: 7-5-2011

This motion contains court order(s).

Comment: 6th; Response from State to XNP per 6/21/11 cto.

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OCCD CA 05-02-2011

MXT to file NAP/PCM

Filed By: John Wasielewski

Submit Date: 5-2-2011

Decision: (G) Grant

Decision Date: 5-3-2011

IT IS ORDERED that the deadline for Smith to file a postconviction motion or a notice of appeal is extended through June 17, 2011. See WIS. STAT. RULE 809.82(2)(a)(2009-10).

Comment: 5th

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OCCD CA 12-20-2010

MXT to file NAP/PCM

Filed By: John Wasielewski

Submit Date: 12-20-2010

Decision: (G) Grant

Decision Date: 12-23-2010

IT IS ORDERED that the time for the circuit court to determine Jimmie Lee Smith's competence is extended to April 15, 2011. IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal is extended until April 29, 2011.

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OCCD CA 08-20-2010

MXT to file NAP/PCM

Filed By: John Wasielewski

Submit Date: 8-20-2010



Decision: (G) Grant

Decision Date: 8-24-2010

IT IS ORDERED the time for the circuit court to determine Jimmie Lee Smith's competence is extended to 10/22/10. IT IS FURTHER ORDERED the deadline for filing a postconviction motion or notice of appeal is extended until 11/22/10.

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OCCD CA 06-21-2010

MXT to file NAP/PCM

Filed By: John Wasielewski

Submit Date: 6-21-2010

Decision: (G) Grant

Decision Date: 6-22-2010

IT IS ORDERED that the deadline for Smith to file a postconviction motion or a notice of appeal is extended through August 20, 2010. See WIS. STAT. RULE 809.82(2)(a)(2007-08).

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OCCD CA 04-26-2010

MXT to file NAP/PCM

Filed By: John Wasielewski

Submit Date: 4-26-2010

Decision: (G) Grant

Decision Date: 4-27-2010

IT IS ORDERED that the time for filing a notice of appeal or postconviction motion is extended to June 18, 2010.

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OCCD CA 12-15-2009

Judgment of Circuit Court

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