

Wisconsin Supreme Court and Court of Appeals Case Access

State v. Nhia Lee

Appeal Number 2019AP000221 - CR

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	07-20-2022		Other Papers Comment: Rec'd returned mailing for Attys Phillips, Thome & Fluker (7/13/22 RMT), marked with sticker reading "RTS - Please update your mailing list. The addressed no longer resides at this location. Thank you."; 7/21/22 mailing for Phillips & Thome resent to updated address at Attolles Law, mailing for Atty Fluker resent to von Briesen & Roper in Milwaukee for 2nd mailing attempt.
OCCD	SC	07-13-2022		Remittitur
OCCD	SC	05-24-2022		Cites 401 Wis. 2d 593
OCCD	SC	05-24-2022		Cites 973 N.W.2d 764
OCCD	SC	05-24-2022		Opinion/Decision Judge Panel: Roggensack, Bradley, Ziegler, Bradley, Dallet, Hagedorn, Karofsky Opinion: Per Curiam Decision: Dismissed Pages: 1 Bradley, Rebecca Grassl Wrote Concurring Opinion 2 pages. Ziegler, Annette K. Joined Concurring Opinion Hagedorn, Brian K. Joined Concurring Opinion Dallet, Rebecca F. Wrote Dissenting Opinion 10 pages. Bradley, Ann Walsh Joined Dissenting Opinion Order Text: The review of the decision of the court of appeals is dismissed as improvidently granted.
OCCD	SC	05-24-2022		Public Domain Citation Comment: PDC No: 2022 WI 32
OCCD	SC	05-16-2022		Attorney address updated Comment: Address changed for attorney: 28369 Julianne M. Lennon
OCCD	SC	12-10-2021		Oral Argument

Comment: 1st case, 9:45 a.m. (in the State Capitol). Julianne M. Lennon for Defendant-Appellant-Petitioner. Bonnie Hoffman for Amicus Party. Ellen Henak for Amicus Party. Timothy M. Barber for Plaintiff-Respondent.

OCCD SC 12-08-2021 Motion for Miscellaneous Relief

Filed By: Julianne Lennon

Submit Date: 12-8-2021

Decision: (G) Grant

Decision Date: 12-8-2021

IT IS ORDERED that Attorney Lennon may appear for the oral argument by telephone. Attorney Lennon is instructed to promptly contact the Marshals Office to make arrangements to appear by telephone (office no. 608-266-0231).

Comment: motion to appear virtually for oral argument

OCCD SC 12-07-2021 Response

Comment: State's response to petitioner's 12/6/21 letter of supplemental authority

OCCD SC 12-06-2021 Letter/Correspondence

Comment: letter from Attorney Lennon re: supplemental authority w/ exhibit

OCCD SC 12-03-2021 Motion for Miscellaneous Relief

Filed By: Timothy Barber

Submit Date: 12-3-2021

Decision: (D) Deny

Decision Date: 12-8-2021

IT IS ORDERED that the State's motion to file a sur-reply brief is denied.

REBECCA GRASSL BRADLEY, J. (dissenting). A majority of the court denies the State's motion to file a sur-reply brief without any explanation of its rationale for this ruling. I would grant the State's motion and accept the State's brief in the interest of having the court fully apprised of the parties' arguments in preparation for oral argument. Regardless, the court should explain its procedural rulings in order for appellate attorneys to conform their practices accordingly.

I am authorized to state that ANNETTE KINGSLAND ZIEGLER, C.J., and PATIENCE DRAKE ROGGENSACK, J., join this dissent.

Motion Response

Filed By: Julianne Lennon

Submit Date: 12-6-2021

Comment: Motion to file Sur-Reply Brief; response filed 12/6/21

OCCD SC 12-03-2021 Rejected Electronic Document

Comment: This electronic document is rejected because there is currently no statutory provision for the acceptance of this type of electronic document at the Supreme Court. The Supreme Court is participating in an e-filing pilot program; however, this case is not currently included. Please arrange to have the requisite hardcopy sent to the clerks office for filing, if you have not done so already.

OCCD SC 12-01-2021 Motion for Miscellaneous Relief

Filed By: Ellen Henak

Submit Date: 12-1-2021

Decision: (G) Grant

Decision Date: 12-3-2021

IT IS ORDERED that the motion is granted. NACDL and WACDL shall be permitted to participate in the oral argument using a total of ten minutes of Lee's allotted oral argument time, with five minutes allocated to NACDL and five minutes allocated to WACDL.

Comment: motion to participate in oral argument

OCCD SC 11-29-2021 Motion for Miscellaneous Relief

Filed By: Ellen Henak

Submit Date: 11-29-2021

Decision: (G) Grant

Decision Date: 12-1-2021

IT IS ORDERED that the motions are granted. Attorney Hoffman is granted pro hac vice status, and a copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order. Attorney Hoffman shall be permitted to participate in the oral argument on behalf of amicus curiae National Association of Criminal Defense Lawyers using five minutes of defendant-appellant-petitioner's allotted 30 minutes for argument.

Comment: Motion to Participate in Oral Argument (WACDL)

OCCD SC 11-29-2021 Motion for Pro Hac Vice status

Filed By: Ellen Henak

Submit Date: 11-29-2021

Decision: (G) Grant

Decision Date: 12-1-2021

IT IS ORDERED that the motions are granted. Attorney Hoffman is granted pro hac vice status, and a copy of SCR 10.03(4), setting forth the requirements for attorneys appearing pro hac vice, is attached to the moving party's order. Attorney Hoffman shall be permitted to participate in the oral argument on behalf of amicus curiae National Association of Criminal Defense Lawyers using five minutes of defendant-appellant-petitioner's allotted 30 minutes for argument.

Comment: filed by Attorney Henak to allow Bonnie Hoffman to appear PHV

OCCD SC 10-29-2021 Briefs Received At State Law Library

OCCD SC 10-15-2021 Assigned-Oral Argument

OCCD SC 08-20-2021

Brief of Amicus Curiae

[Amicus Curiae Brief of Wisconsin State Public Defender](#)

Filed By: Katie York

Comment: State Public Defender

OCCD SC 08-20-2021

Brief of Amicus Curiae

[Nonparty Brief of Wisconsin Counties Association](#)

Filed By: Andrew Phillips

Comment: Wisconsin Counties Association

OCCD SC 08-16-2021

Rejected Electronic Document

Comment: The electronic version of the Appendix to the Non-party brief of National Association of Criminal Defense Lawyers is rejected for lack of the electronic appendix certification. Please upload a corrected electronic version of the appendix that includes this requisite certification.

OCCD SC 08-16-2021

Rejected Electronic Document

Comment: The electronic version of the Non-party brief of National Association of Criminal Defense Lawyers is rejected for lack of the electronic certification. Please upload a corrected electronic version of the brief that includes this requisite certification.

OCCD SC 08-16-2021 Brief of Amicus Curiae
[Nonparty Brief of National Association of Criminal Defense Lawyers](#)

Filed By: Jerome Buting

Comment: National Association of Criminal Defense Lawyers. Please note that the e-file certification pursuant to Rule 809.19(12)(f) has been added to this brief. Please include this certification in all briefs.

OCCD SC 08-10-2021 Notice of Appearance

OCCD SC 08-09-2021 Certificate of Filing by Mail
Comment: re: amicus curiae brief of Wisconsin Assoc. of Criminal Defense Lawyers

OCCD SC 08-09-2021 Certificate of Filing by Mail
Comment: BAM WI Assoc. for Criminal Defense Lawyers - mailed 8/5/2021

OCCD SC 08-09-2021 Brief of Amicus Curiae
[Nonparty Brief of the Wisconsin Association of Criminal Defense Lawyers](#)

Filed By: Ellen Henak

Comment: Wisconsin Association for Criminal Defense Lawyers. Please note that the e-file certification pursuant to Rule 809.19(12)(f) has been added to this brief. Please include this certification in all briefs.

OCCD SC 08-05-2021 Letter/Correspondence
Comment: From Atty Henak re: unable to e-file amicus brief, in contact w/CCAP.

OCCD SC 07-23-2021 Certificate of Filing by Mail
Comment: Certificate of Filing by Mail

OCCD SC 07-23-2021 Reply Brief-Supreme Court
[Reply Brief-Supreme Court](#)

Filed By: Julianne Lennon

OCCD SC 07-21-2021 Motion to File Amicus/Non-Party Brief

Filed By: Andrew Phillips

Submit Date: 7-21-2021

Decision: (G) Grant

Decision Date: 7-27-2021

IT IS ORDERED that the motions are granted. The parties shall file twenty-two copies of their amicus briefs on or before August 20, 2021.

Comment: re: Wisconsin Counties Association

OCCD SC 07-20-2021 Motion to File Amicus/Non-Party Brief

Filed By: Katie York

Submit Date: 7-20-2021

Decision: (G) Grant

Decision Date: 7-27-2021

IT IS ORDERED that the motions are granted. The parties shall file twenty-two copies of their amicus briefs on or before August 20, 2021.

Comment: re: State Public Defender Motion to File Amicus/Non-Party Brief

OCCD SC 07-12-2021 Motion to File Amicus/Non-Party Brief

Filed By: Ellen Henak

Submit Date: 7-12-2021

Decision: (G) Grant

Decision Date: 7-13-2021

IT IS ORDERED that the motions are granted. The parties shall file twenty-two copies of their amicus briefs on or before August 13, 2021.

Comment: re: Wisconsin Association of Criminal Defense Lawyers

OCCD SC 07-12-2021 Motion to File Amicus/Non-Party Brief

Filed By: Jerome Buting

Submit Date: 7-12-2021

Decision: (G) Grant

Decision Date: 7-13-2021

IT IS ORDERED that the motions are granted. The parties shall file twenty-two copies of their amicus briefs on or before August 13, 2021.

Comment: re: National Association of Criminal Defense Lawyers

OCCD SC 07-08-2021 Certificate of Filing by Mail

OCCD SC 07-08-2021 [Response Brief-Supreme Court](#)
[Response Brief-Supreme Court](#)

Filed By: Timothy Barber

OCCD SC 06-18-2021 Certificate of Filing by Mail

Comment: First Supreme Court brief 22 copies mailed 06-17-2021

OCCD SC 06-18-2021 [First Brief-Supreme Court](#)
[First Brief-Supreme Court](#)

Filed By: Julianne Lennon

Comment: Please note that the appendix e-file certification pursuant to Rule 809.19(13) has been added to this brief.

OCCD SC 05-19-2021 Caption Amended

OCCD SC 05-19-2021 Court Changed to Supreme Court

OCCD CA 03-08-2021 Final Publication

OCCD CA 02-24-2021 Cites
396 Wis. 2d 136

OCCD CA	02-24-2021	Cites
	955 N.W.2d 424	
OCCD CA	02-24-2021	Opinion Ordered Published
OCCD CA	02-24-2021	Public Domain Citation
	Comment: PDC No: 2021 WI App 12	
OCCD SC	02-19-2021	Certificate of Service
OCCD CA	02-19-2021	Rejected Electronic Document
	Comment: The Petitioner Nhia Lee 2019AP221 CR Affidavit of Mailing to Attorney Timothy M Barber Wisconsin Department of Justice is rejected because there is currently no statutory provision for the acceptance of this type of electronic document at the Supreme Court. The Supreme Court is not currently participating in the e-filing pilot program.	
OCCD CA	02-19-2021	Rejected Electronic Document
	Comment: The Nhia Lee 2019AP221 CR Affidavit of Mailing to Sheila Reiff Clerk of Supreme Court and Court of Appeals is rejected because there is currently no statutory provision for the acceptance of this type of electronic document at the Supreme Court. The Supreme Court is not currently participating in the e-filing pilot program.	
OCCD CA	02-19-2021	Rejected Electronic Document
	Comment: The electronic version of the Petition for Review is rejected because it contains both the petition and appendix. Rule 809.19(13)(c) states, in part, that an electronic appendix shall be filed as a document or documents separate from the petition/brief. You are not required to file an electronic version of the appendix but if you opt to do so you must also include the requisite electronic appendix certification pursuant to Rule 809.19(13)(f) and load a separate, corrected electronic appendix that includes the certification. If you opt to exclude the appendix in your electronic filing you may simply upload a corrected version of the electronic petition that excludes the appendix documents. Please contact clerk's office staff by calling 608-266-1880 when done so that the petition may be accepted for filing. Failure to notify may result in delayed acceptance of the corrected e-document.	
OCCD SC	02-18-2021	Certificate of Filing by Mail
OCCD SC	02-18-2021	Fee Waived
	Comment: On PRE per CA	
OCCD SC	02-18-2021	Petition for Review
	Filed By: Julianne Lennon Submit Date: 3-5-2021 Decision: (G) Grant Decision Date: 5-19-2021 ORD petition for review is granted. Briefs due 30/20/10. Motion Response Filed By: Timothy Barber Submit Date: 3-5-2021	

OCCD CA	01-20-2021	Opinion/Decision
	Judge Panel: Stark, Hruz, Seidl Opinion: Opinion Decision: Reversed and remanded Pages: 34 Written by: Hruz, Thomas M. Order Text: Order reversed and cause remanded with directions.	

OCCD CA	10-28-2020	Oral Argument
	Comment: 2:30 p.m. via Zoom	

OCCD CA	10-21-2020	Letter/Correspondence
	Comment: Letter to counsel re: oral argument	

OCCD CA	10-15-2020	Brief of Amicus Curiae Amicus Brief (Wisconsin State Public Defender)
	Filed By: Katie York Comment: Wisconsin State Public Defender	

OCCD CA	09-15-2020	Court Order
	IT IS ORDERED that the amicus brief is due thirty days from the date of this order. The brief shall not exceed thirteen (13) pages if a monospaced font is used or 3,000 words if a proportional serif font is used. WIS. STAT. RULE 809.19(8)(c)2.	

OCCD CA	09-03-2020	Assigned-Oral Argument
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OCCD CA	08-06-2020	Attorney address updated
	Comment: Address changed for attorney: 33408 Timothy M. Barber	

OCCD CA	06-02-2020	Record and Briefs Sent to District 3
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OCCD CA	05-27-2020	Rejected Electronic Document
	Comment: The electronic Reply brief is rejected as it contains an improper electronic certification. Parties should use and cite the Wisconsin Supreme Court Order 19-02: Interim Rule Covering Electronic Filing in the Court of Appeals and Supreme Court (see the two previously filed briefs). Please upload a corrected electronic brief with the proper e-certification.	

OCCD CA	05-27-2020	Reply Brief Reply Brief
	Filed By: Julianne Lennon	

OCCD CA	05-13-2020	Brief of Respondent(s) Brief of Respondent
	Filed By: Timothy Barber	

OCCD CA	02-21-2020	Motion to Extend Time
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Filed By: Timothy Barber

Submit Date: 2-24-2020

Decision: (G) Grant

Decision Date: 2-26-2020

ORD that the time for the respondent to file its brief is extended to 3/27/20. See WIS. STAT. RULE 809.82(2)(a).

See BRS event due on 3-27-2020

OCCD CA 01-27-2020 Brief & Appx of Appellant(s)
[Brief of Appellant](#)

Filed By: Julianne Lennon

OCCD CA 01-24-2020 Rejected Electronic Document

Comment: The cover page of the Appellant's brief does not list the name of the circuit court county and judge the case is appealed from; see Rule 809.19(9). Please upload a corrected electronic version of the brief.

OCCD CA 01-22-2020 Notice of Appearance

Comment: Filed by AAG Timothy M. Barber

OCCD CA 01-22-2020 Motion to Extend Time

Filed By: Julianne Lennon

Submit Date: 1-22-2020

Decision: (G) Grant

Decision Date: 1-23-2020

ORD that the time to file the appellant's brief and appendix is extended to 1/30/20.

See BAP event due on 1-30-2020

OCCD CA 01-22-2020 Rejected Electronic Document

Comment: This electronic version of the Appellant's brief lists an incorrect case caption on the brief cover (party designations for Nhia Lee, specifically). Please upload a corrected electronic version of the brief.

OCCD CA 01-22-2020 Rejected Electronic Document

Comment: This electronic version of the Appellant's brief lists an incorrect case caption on the brief cover (party designations for Nhia Lee, specifically). Please upload a corrected electronic version of the brief.

OCCD CA 01-22-2020 Rejected Electronic Document

Comment: This electronic document was uploaded and improperly identified as an "appendix". The e-document actually consists of a defective copy of the appellant's brief (incorrect caption) and is therefore rejected.

OCCD CA 01-21-2020 Rejected Electronic Document

Comment: Attorney request

OCCD CA 12-12-2019 Record

Comment: 1-6 to 58-1, ELECTRONICALLY FILED

OCCD CA 12-09-2019 Notif. Sent-Filing of LVO & Court Record

OCCD CA 12-06-2019 Copy of CTO Grtg. PLV-from Cir. Ct.
Comment: Transmittal of Notice of Appeal (leave grant order)

OCCD CA 12-02-2019 Received SPD Appointment Order

OCCD CA 06-11-2019 Court Order
ORD that the State shall file a supplemental response to the petition for interlocutory appeal within 15 days of the date of this order. FRO that Lee may reply to the State's supplemental response, should he deem a reply necessary, within 10 days of the date the supplemental response is filed.
See PLV event filed on 1-28-2019

OCCD CA 04-17-2019 Attorney Change
Comment: AAG Hannah S. Jurss added as co-counsel for State per letter. Attorney Change filed by Attorney Jurss

OCCD CA 03-29-2019 Non-Final Order of Circuit Court

OCCD CA 03-11-2019 Certificate of Service
Comment: Atty Lennon served AG Supplemental Petition by mail 3/7/19

OCCD CA 03-08-2019 Motion for Miscellaneous Relief
Filed By: Julianne Lennon
Submit Date: 3-8-2019
Decision: (G) Grant
Decision Date: 3-11-2019
ORD that we grant Lee's motion to supplement his petition for leave to appeal with his motion and amended motion to dismiss. FRO that Lee shall make arrangements to obtain the transcripts or other documentation from as many of the proceedings prior to the preliminary hearing as can be produced. Lee shall file an additional supplement to his petition by April 28, 2019, that includes copies of the transcripts or other documentation of the proceedings in this matter, as well as an explanation as to when or whether the circuit court has indicated that it intends to rule on his pending motion to dismiss.

OCCD CA 02-11-2019 Motion for Miscellaneous Relief
Filed By: Timothy Samuelson
Submit Date: 2-11-2019
Decision: (G) Grant
Decision Date: 2-12-2019
ORD that the time for the State to respond to the petition for leave to appeal is extended to March 1, 2019.

OCCD CA 02-06-2019 Attorney Change
Comment: AG from Kawski to Samuelson

OCCD CA 02-05-2019 Certificate of Service

Comment: AG filed statement of service of PLV by mail on 1/25/19; resp due 2/11/19

OCCD CA 02-05-2019 Affidavit of No Service filed
 Comment: AG filed re PLV

OCCD CA 01-28-2019 Certificate of Service
 Comment: PLV mailed 1/25/18

OCCD CA 01-28-2019 Fee Waived
 Comment: court appointed

OCCD CA 01-28-2019 Petition for Leave to Appeal

Filed By: Julianne Lennon
 Submit Date: 3-1-2019
 Decision: (G) Grant
 Decision Date: 11-20-2019

ORD that the petition for leave to appeal is granted. Pursuant to WIS. STAT. RULE 809.11(2), the clerk of the circuit court or responsible court official shall return the copy of the order granting this petition and the trial court case entries maintained pursuant to WIS. STAT. 59.40 to the clerk of this court within 3 days of receipt of this order. Entry of this order has the effect of the filing of the notice of appeal. WIS. STAT. RULE 809.50(3). The record shall be due 12/11/19. AMENDED 11/21/19 as to appeal no. and mandate.

Motion Response

Filed By: Julianne Lennon
 Submit Date: 3-5-2021

Motion Response

Filed By: Timothy Samuelson
 Submit Date: 3-1-2019

Motion Response

Filed By: Julianne Lennon
 Submit Date: 3-11-2019

Motion Response

Filed By: Julianne Lennon
 Submit Date: 4-23-2019

Motion Response

Filed By: Hannah Jurss
 Submit Date: 6-27-2019

Motion Response

Filed By: Julianne Lennon
 Submit Date: 7-8-2019

This motion contains court order(s).

Comment: AG aff of no service 2/5/19; AG served by mail 1/25/19; Response ordered 3/11/19; State's supp response filed 6/26/19.