

2019 WI 40

SUPREME COURT OF WISCONSIN

CASE No.: 2016AP1276-CR

COMPLETE TITLE: State of Wisconsin,
Plaintiff-Respondent,
v.
Nelson Garcia, Jr.,
Defendant-Appellant-Petitioner.

REVIEW OF DECISION OF THE COURT OF APPEALS
Reported at 382 Wis. 2d 269, 915 N.W.2d 729
(2018 - unpublished)

OPINION FILED: April 19, 2019

SUBMITTED ON BRIEFS:

ORAL ARGUMENT: April 10, 2019

SOURCE OF APPEAL:

COURT: Circuit

COUNTY: Milwaukee

JUDGE: William S. Pocan

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING: ABRAHAMSON, J. did not participate.

ATTORNEYS:

For the defendant-appellant-petitioner, there were briefs filed by *Pamela Moorshead*, assistant state public defender. There was an oral argument by *Pamela Moorshead*.

For the plaintiff-respondent, there was a brief filed by *Katherine D. Lloyd*, assistant attorney general, with whom on the brief was *Joshua L. Kaul*, attorney general. There was an oral argument by *Katherine D. Lloyd*.

An amicus curiae brief was submitted on behalf of The Innocence Project, Inc., and The Wisconsin Innocence Project of the Frank J. Remington Center, University of Wisconsin Law School, by *Keith A. Findley* and *Wisconsin Innocence Project*,

Madison. With whom on the brief was *Alexis Agathocleous* and *The Innocence Project, Inc.*, New York, New York.

2019 WI 40

NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 2016AP1276-CR
(L.C. No. 2012CF104)

STATE OF WISCONSIN

:

IN SUPREME COURT

State of Wisconsin,

Plaintiff-Respondent,

v.

Nelson Garcia, Jr.,

Defendant-Appellant-Petitioner.

FILED

APR 19, 2019

Sheila T. Reiff
Clerk of Supreme Court

¶1 PER CURIAM. The decision of the court of appeals is affirmed by an equally divided Court.

¶2 SHIRLEY S. ABRAHAMSON, J., withdrew from participation.

