

**U.S. District Court**  
**Western District of Wisconsin (Madison)**  
**CIVIL DOCKET FOR CASE #: 3:10-cv-00328-wmc**

Evans, Tommie v. Humphreys, Robert  
Assigned to: District Judge William M. Conley  
Referred to: Magistrate Judge Stephen L. Crocker  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 06/22/2010  
Date Terminated: 10/26/2011  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: Federal Question

**Petitioner**

**Tommie E. Evans**

represented by **Tommie E. Evans**  
369718  
Waupun Correctional Institution  
200 S. Madison St.  
P.O. Box 351  
Waupun, WI 53963-0351  
PRO SE

V.

**Respondent**

**Robert Humphreys**

represented by **Gregory M. Weber**  
Wisconsin Department of Justice  
P.O. Box 7857  
Madison, WI 53707  
608-266-3935  
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*TERMINATED: 08/30/2010*  
*LEAD ATTORNEY*

**Mark Anthony Neuser**  
Great Lakes Higher Education Corporation  
and Affiliates  
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Madison, WI 53704-3192  
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*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/21/2010	<a href="#">1</a>	Petition for Writ of Habeas Corpus - State filed by Tommie E. Evans. (\$5 fee paid, receipt no. 7893.) (Case non-randomly assigned to Magistrate Judge Stephen L. Crocker.) (Attachments: # <a href="#">1</a> Cover Letter, # <a href="#">2</a> Envelope) (eds) (Entered: 06/22/2010)
06/21/2010	<a href="#">2</a>	Brief in Support by Petitioner Tommie E. Evans re: <a href="#">1</a> Petition for Writ of Habeas Corpus - State filed by Tommie E. Evans (Attachments: # <a href="#">1</a> Appendix of exhibits, # <a href="#">2</a> Exhibit A - Court of Appeals decision, # <a href="#">3</a> Exhibit B - Wisconsin Supreme Court decision denying petition for review) (eds),(ps) Modified on 6/22/2010 (eds). (Entered: 06/22/2010)
07/19/2010	<a href="#">3</a>	Order that petitioner file a response no later than August 2, 2010 re: insufficiency of evidence claim. Signed by District Judge William M. Conley on 7/19/2010. (eds),(ps) (Entered: 07/19/2010)
08/03/2010	<a href="#">4</a>	Response re: <a href="#">3</a> Order by Petitioner Tommie E. Evans. (Attachments: # <a href="#">1</a> Envelope) (lak),(ps) (Entered: 08/03/2010)
08/18/2010	<a href="#">5</a>	Initial Order for Paid Pro Se: Leave to proceed granted. Materials delivered to DOJ for acceptance of service. Petitioner granted leave to proceed against Respondent ROBERT HUMPHREYS. Respondent's answer to petition due 9/17/2010. Motions to dismiss due 9/17/2010. Signed by District Judge William M. Conley on 8/17/2010. (jef),(ps) (Entered: 08/18/2010)
08/24/2010	<a href="#">6</a>	Acceptance of Service by DOJ on behalf of Respondent Robert Humphreys. (Weber, Gregory),(ps) (Entered: 08/24/2010)
08/30/2010	<a href="#">7</a>	Notice of Appearance filed by Mark Anthony Neuser for Respondent Robert Humphreys (Attachments: # <a href="#">1</a> Certificate of Service to Notice of Appearance on behalf of Respondent) (Neuser, Mark),(ps) (Entered: 08/30/2010)
09/16/2010	<a href="#">8</a>	ANSWER by Respondent Robert Humphreys. (Attachments: # <a href="#">1</a> Index of Exhibits Accompanying Respondent's Answer to Petition for Writ of Habeas Corpus, # <a href="#">2</a> Exhibit 1 - Judgment of Conviction dated January 19, 2006, # <a href="#">3</a> Exhibit 2 - Evans' brief-in-chief in the Wisconsin Court of Appeals, # <a href="#">4</a> Exhibit 3 - State's brief-in-chief in the Wisconsin Court of Appeals, # <a href="#">5</a> Exhibit 4 - Evans' reply brief in the Wisconsin Court of Appeals, # <a href="#">6</a> Exhibit 5 - Wisconsin Court of Appeals Decision dated November 15, 2007, # <a href="#">7</a> Exhibit 6 - Evans' brief in support of petition for review to the Wisconsin Supreme Court, # <a href="#">8</a> Exhibit 7 - Order dated January 22, 2008 of Wisconsin Supreme Court denying review, # <a href="#">9</a> Exhibit 8 - Evans' pro se motion for postconviction relief under Wis. Stat. sec. 974.096 filed October 30, 2008, # <a href="#">10</a> Exhibit 9 - Trial Court's Decision and Order dated November 20, 2008,

		<p>denying Evans' pro se motion for postconviction relief,  # <a href="#">11</a> Exhibit 10 - Evans' second pro se motion for postconviction relief under Wis. Stat. sec. 974.096 dated June 19, 2009,  # <a href="#">12</a> Exhibit 11 - Trial Court's Decision and Order dated June 25, 2009, denying Evans' second pro se motion for postconviction relief under Wis. Stat. sec. 974.096,  # <a href="#">13</a> Exhibit 12-Wisconsin Court of Appeals Opinion and Order dated May 20, 2010, affirming trial courts' denial of postconviction motion,  # <a href="#">14</a> Exhibit 13 - United States District Court for the Western District of Wisconsin Opinion and Order dated May 28, 2009, dismissing habeas petition,  # <a href="#">15</a> Exhibit 14- Transcript of August 15, 2005 Motion Hearing and Jury Selection - Part I,  # <a href="#">16</a> Exhibit 14 - Transcript of August 15, 2005 Motion Hearing and Jury Selection Hearing - Part II,  # <a href="#">17</a> Exhibit 15 - Transcript of August 16, 2005 Motion Hearing,  # <a href="#">18</a> Exhibit 16-Transcript of September 12, 2005 Jury Selection Hearing, Part I,  # <a href="#">19</a> Exhibit 16-Transcript of September 12, 2005 Jury Selection Hearing - Part II,  # <a href="#">20</a> Exhibit 17-Transcript of September 13, 2005 Jury Trial - Part I,  # <a href="#">21</a> Exhibit 17-Transcript of September 13, 2005 Jury Trial - Part II,  # <a href="#">22</a> Exhibit 17-Transcript of September 13, 2005 Jury Trial - Part III,  # <a href="#">23</a> Exhibit 17-Transcript of September 13, 2005 Jury Trial - Part IV,  # <a href="#">24</a> Exhibit 17 - Transcript of September 13, 2005 Jury Trial - Part V,  # <a href="#">25</a> Exhibit 18-Transcript of September 14, 2005 Jury Trial - Part I,  # <a href="#">26</a> Exhibit 18-Transcript of September 14, 2005 Jury Trial - Part II,  # <a href="#">27</a> Exhibit 18 - Transcript of September 14, 2005 Jury Trial - Part III,  # <a href="#">28</a> Exhibit 19 - Transcript of January 18, 2006 Sentencing Hearing - Part I,  # <a href="#">29</a> Exhibit 19-Transcript of Janaury 18, 2006 Sentencing Hearing - Part II)  (Neuser, Mark),(ps) Modified on 9/17/2010; exhibit #19 to be refiled-missing pages. (mmo). (Entered: 09/16/2010)</p>
09/16/2010	<a href="#">9</a>	<p>Certificate of Service <i>to the Answer to Petition for Writ of Habeas Corpus; Index of Exhibits Accompanying Respondent's Answer to Petition for Writ of Habeas Corpus; and Exhibits</i> by Respondent Robert Humphreys re <a href="#">8</a> Answer,,,,,,,,,,,,, (Neuser, Mark),(ps) (Entered: 09/16/2010)</p>
09/16/2010		<p>Set Deadlines as to <a href="#">1</a> Petition for Writ of Habeas Corpus - State. Petitioner's Brief in Support due 10/18/2010. Respondent's Brief in Opposition due 11/17/2010. Petitioner's Brief in Reply due 12/7/2010. (elc),(ps) (Entered: 09/16/2010)</p>
09/17/2010	<a href="#">10</a>	<p>Exhibit to <a href="#">8</a> Answer, filed by Robert Humphreys. <i>Exhibit 19 - CORRECTED Transcript of 1-18-2006 Sentencing Hearing - Part II</i> (Neuser, Mark),(ps) (Entered: 09/17/2010)</p>
10/28/2010	<a href="#">11</a>	<p>ORDER that petitioner has until 11/15/10 to file his brief in support of his petition for a writ of habeas corpus. Signed by Magistrate Judge Stephen L. Crocker on 10/28/10. (elc),(ps) (Entered: 10/28/2010)</p>
10/28/2010		<p>Set Deadlines as to <a href="#">1</a> Petition for Writ of Habeas Corpus - State. Petitioner's Brief in Support due 11/15/2010. (elc),(ps) (Entered: 10/28/2010)</p>

04/01/2011	<a href="#">12</a>	Letter from the court to inform plaintiff(s) that the Wisconsin Department of Justice and this court have entered into an informal service agreement under which the Department has agreed to accept electronic service of documents on behalf of the defendants it represents. (jef),(ps) (Entered: 04/01/2011)
08/30/2011	<a href="#">13</a>	Motion for Clarification re <a href="#">11</a> Order <i>Letter to Magistrate Judge Crocker regarding clarification</i> by Respondent Robert Humphreys. (Attachments: # <a href="#">1</a> Certificate of Service Letter to Magistrate Judge Crocker regarding clarification) (Neuser, Mark),(ps) (Entered: 08/30/2011)
08/30/2011	<a href="#">14</a>	Letter from court in response to <a href="#">13</a> Letter to Magistrate Judge Crocker regarding clarification. (elc),(ps) (Entered: 08/30/2011)
10/25/2011	<a href="#">15</a>	ORDER denying <a href="#">1</a> Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The clerk of court is directed to enter judgment for respondent and close this case. Petitioner's request for a certificate of appealability is granted. Signed by District Judge William M. Conley on 10/25/2011. (jef/cc: petitioner),(ps) (Entered: 10/25/2011)
10/26/2011	<a href="#">16</a>	JUDGMENT entered in favor of Respondent Robert Humphreys dismissing this case. (PAO). (jef),(ps) (Entered: 10/26/2011)
10/11/2016	<a href="#">17</a>	NOTICE OF APPEAL by Petitioner Tommie E. Evans as to <a href="#">15</a> Order on Petition for Writ of Habeas Corpus, <a href="#">16</a> Judgment. In forma pauperis requested. No Docketing Statement filed. (Attachments: # <a href="#">1</a> Cover Letter and Envelope from Federal Defender Services of Wisconsin, Inc.) Note: Notice of Appeal dated September 9, 2016. (elc),(ps) (Entered: 10/11/2016)
10/11/2016	 <a href="#">18</a>	Motion for Leave to Proceed in forma pauperis on Appeal by Petitioner Tommie E. Evans. Note: Motion dated September 9, 2016. (elc),(ps) (Entered: 10/11/2016)
10/11/2016	<a href="#">19</a>	Appeal Information Packet. (elc),(ps) (Entered: 10/11/2016)