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Supreme Court of Wisconsin

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June 10, 2005

To:

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You are hereby notified that the Court has entered the following order:

2003AP2180

State of Wisconsin v. John R. Maloney

This court, having reviewed the record, having considered the briefs submitted by the parties, having heard oral argument, and having issued an opinion addressing the issue of ineffective assistance of counsel, requests additional briefs.

IT IS ORDERED that the parties address the following questions in additional briefs:

1. Whether this court has authority to remand the cause to the circuit court for consideration of a motion for postconviction relief based upon the interest of justice.
2. If so, whether this court should act upon that authority and remand as described above.

IT IS FURTHER ORDERED that within 10 days of the date of this order, the parties shall file a statement with the clerk of circuit court and the clerk of this court identifying any additional portions of the circuit court record that will be necessary to answer the required questions, or file a statement that no additional portions of the record are necessary. The clerk of the circuit court shall transmit any identified additional portions of the record within 10 days after receipt of such a statement. The clerk of this court shall issue a notice that the record has been supplemented or that supplementation has not been requested.

IT IS FURTHER ORDERED that within 30 days of the date of said notice, the petitioner must file a brief in this court addressing the required questions; that within 20 days after petitioner has filed his brief, the respondent must file a brief addressing the required questions; and that within 10 days thereafter, the petitioner must file either a reply brief or statement that no reply brief will be filed.

IT IS FURTHER ORDERED that this matter will be set for additional oral argument after completion of the additional briefing. The parties will be notified of the exact date and time of oral argument in due course.

Cornelia G. Clark
Clerk of Supreme Court