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Supreme Court of Wisconsin

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FILED
09-30-2025
CLERK OF WISCONSIN
SUPREME COURT

September 30, 2025

To:

Hon. Ellen R. Brostrom
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Rex Anderegg
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John D. Flynn
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2023AP1123

State v. Anthony, L.C. #2016CF3333

The court having construed the September 30, 2025 “Motion for Relief for a Technical Failure Under § 809.801(16) Wis. Stat.” filed by defendant-appellant-petitioner, Marvin D. Anthony, through counsel, as a motion for reconsideration of this court’s September 24, 2025 order dismissing as untimely the petition for review filed in this matter on September 5, 2025;

IT IS ORDERED that the motion is denied. Anthony has not identified any technical failure in the court’s electronic filing system that prevented timely filing of the petition for review in this matter. Pursuant to Wis. Stat. § (Rule) 809.801(16)(a)2., “[u]sers are responsible for timely filing of electronic documents to the same extent as filing of paper documents.” Additionally, pursuant to Wis. Stat. § (Rule) 809.801(16)(b), “[a] motion for relief due to technical failure shall be made on the next day the office of the clerk of court is open.” Anthony’s motion represents that counsel was aware that the petition for review was due September 4, 2025, but did not file it until September 5, 2025 due to unfamiliarity with the e-filing system, and did not file a motion for relief on September 5, 2025 due to counsel’s hope that the petition would be accepted one day late. Regardless, as explained in the order dismissing the petition, the 30-day time limit for filing a petition for review is jurisdictional and cannot be extended. First Wis. Nat’l Bank v. Nicholaou, 87 Wis. 2d 360, 365, 274 N.W.2d 704 (1979).

Samuel A. Christensen
Clerk of Supreme Court