
FILED
04-15-2026
CLERK OF WISCONSIN
SUPREME COURT

Supreme Court of Wisconsin



No. 2024AP1707-CR

STATE V. EATON

L.C. #2019CF125

April 15, 2026

The Court, by its Clerk and Commissioners, has entered the following order:

On March 24, 2026, Attorney Patrick Flanagan filed a no-merit petition for review of the court of appeals' decision of March 11, 2026, and an appendix in support of the petition pursuant to WIS. STAT. § (Rule) 809.32(4). On March 30, 2026, the court received from defendant-appellant-petitioner, Robert T. Eaton, Jr., a pro se, a one-page letter, dated March 23, 2026, and an accompanying one-page document that purported to be the front cover page of a petition for review. In the letter, Mr. Eaton asked this court to construe the cover page as a timely filed petition for review and to grant him an extension of time to supplement the petition. Given that a no-merit petition for review had already been filed on behalf of Mr. Eaton, the court construed his letter as a request for an extension of time to file his supplemental petition in support of review. *See* WIS. STAT. § (Rule) 809.32(4)(a). By order dated April 1, 2026, the court granted the request for an extension of time and directed Mr. Eaton to file his supplemental petition on or before June 1, 2026.

On April 10, 2026, Mr. Eaton filed another letter, dated April 3, 2026, in which he stated that he had dismissed Attorney Flanagan as his counsel. He requests/moves the court to dismiss/withdraw the no-merit petition for review, to file his "petition for review," and to grant him an extension of 60 days to supplement that petition. As noted, the court has filed the cover-page submitted by Mr. Eaton and has granted him an extension of time to file his supplement arguing why this court should grant review of his appeal.

At this time, the court will hold Mr. Eaton's current motion in abeyance. If the court would dismiss the petition for review filed by Attorney Flanagan and Mr. Eaton subsequently failed to file his supplemental petition, there would be an insufficient

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petition on file and Mr. Eaton would forfeit his right to request review by this court. Consequently, the court will hold the motion in abeyance and permit Mr. Eaton the opportunity to file his supplemental petition by June 1, 2026. If Mr. Eaton continues to wish that the no-merit petition for review filed by Attorney Flanagan be withdrawn, he should be aware that he will be solely responsible for complying with *all* requirements of WIS. STAT. § (Rule) 809.62, including the requirement to file a complying supplemental petition for review and a complying appendix in support of that petition. If Mr. Eaton files a complying supplemental petition for review and supporting appendix by June 1, 2026, the court will grant Mr. Eaton's motion to the extent that it will not consider the no-merit petition for review and will consider only the supplemental petition for review and appendix filed by Mr. Eaton.

IT IS ORDERED that the motion filed on April 10, 2026, by defendant-appellant-petitioner, Robert T. Eaton, Jr., to dismiss or withdraw the no-merit petition for review filed by Attorney Patrick Flanagan is held in abeyance pending further order of the court. Defendant-appellant-petitioner shall have until June 1, 2026, to serve and file his supplemental petition in support of review and supporting appendix, conforming to the requirements of WIS. STAT. § (Rule) 809.62. If the supplemental petition in support of review is not filed by that date, this matter will be disposed of based solely on the documents filed in this matter to date.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:

Hon. Gerad T. Dougvillo (Electronic Notice)
Rebecca Matoska-Mentink (Electronic Notice)
Patrick Flanagan (Electronic Notice)
Christine A. Remington (Electronic Notice)
Robert T. Eaton, Jr. (U.S. Mail)