



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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May 11, 2022

To:

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Mark H. Gumz
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2021AP2176-W Brown v. Podoll L.C.#2018CF110

Pending before the court is a letter filed by the petitioner, Curtis H. Brown, pro se, on May 4, 2022, asking the court to reinstate his pro se petition for writ of habeas corpus that he filed on December 20, 2021, and which this court dismissed on April 22, 2022.

As background, on December 20, 2021, the court issued an order stating that the petition for writ of habeas corpus would be subject to dismissal under Wis. Stat. § (Rule) 809.83 unless, within ten days of the date of the order, the \$195.00 filing fee was paid or a petition for waiver of fees was filed that established good cause for waiving the filing fee. On January 3, 2022, Mr.

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No. 2021AP2176-W

Brown v. Podoll L.C.#2018CF110

Brown filed a Petitioner's Petition for Waiver of Fees/Costs-Affidavit of Indigency, but failed to file the trust fund account statement as required by Wis. Stat. § 814.29(1m)(b)2. The petition for writ was dismissed by court order dated April 22, 2022.

On May 4, 2022, Mr. Brown filed the above-referenced letter asking that the court reinstate the petition for writ of habeas corpus. Mr. Brown's correspondence details the difficulties he encountered trying to obtain a copy of his trust account statement and states that Mr. Brown had secured payment for the \$195.00 filing fee. On May 6, 2022, the court received a letter from Nancy M. Brown enclosing a check for \$195 to pay for Curtis H. Brown's filing fee.

However, a review of the court records indicates that Mr. Brown's dismissed writ petition references and pertains to State v. Brown, Marquette Count Case No. 2018CF110. According to the Wisconsin Circuit Court Access (WCCA) website, that case remains pending before the Marquette County Circuit Court. A status hearing in the case is scheduled for May 17, 2022. Furthermore, according to WCCA entries for Marquette Count Case No. 2018CF110, Mr. Brown is represented by counsel in that case; Attorney Mark Gumz was entered as counsel of record for the petitioner on April 5, 2021. Consequently, if the court were to accept the filing fee and reinstate the writ petition, relief would ordinarily not be available because in such situations, requests for relief are to be filed in the trial court and made through counsel of record; a petitioner represented by counsel is generally not permitted to file pro se documents in this court. State v. Debra A.E., 188 Wis. 2d 111, 523 N.W. 2d 727 (1994). Therefore,

IT IS ORDERED that the request to reinstate the petition for writ of habeas corpus filed December 20, 2021 is denied; and

IT IS FURTHER ORDERED that the check filed May 6, 2022 for payment of the filing fee in this matter shall be returned to Ms. Nancy M. Brown, under separate cover and with a copy of this order.

Sheila T. Reiff
Clerk of Supreme Court