FILED
06-12-2026
CLERK OF WISCONSIN
SUPREME COURT

Supreme Court of Wisconsin

NO. 2024AP736-CRNM **STATE V. D'ACQUISTO** **L.C. #2020CF4618**

June 12, 2026

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

Salvatore Jacob D'Acquisto, pro se, submitted a motion to extend the time to file a petition for review of the court of appeals' April 28, 2026 decision in this matter. The motion is dated June 7, 2026, and is postmarked June 9, 2026.

Petitions for review must be filed with the clerk of the supreme court within 30 days of the date of the court of appeals' decision or within 30 days of the court of appeals' disposition of a timely filed motion for reconsideration. *See* WIS. STAT. § 808.10 and §§ (Rule) 809.80(1) & (3). Thus, a petition for review needed to be filed in this matter by May 28, 2026, in order to be timely. The 30-day period in which to file a petition for review is jurisdictional and may not be enlarged. *First Wisconsin National Bank of Madison v. Nicholaou*, 87 Wis. 2d 360, 274 N.W.2d 704 (1979). In addition, Mr. D'Acquisto's motion cannot itself be construed as a timely but nonconforming petition for review because more than 30 days passed from the issuance of the court of appeals' April 28, 2026 decision before he filed his motion. Although the time period for filing a petition for review is tolled when an incarcerated person places the petition into the prison mail system, in this case the period had already expired by the time Mr. D'Acquisto signed and dated his motion and mailed it. *See State ex rel. Nichols v. Litscher*, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292. Therefore,

IT IS ORDERED that the motion is denied.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:
Hon. Ellen R. Brostrom (Elec. Notice)
Anna Hodges (Electronic Notice)
John Blimling (Electronic Notice)
Pamela Moorshead (Electronic Notice)
Salvatore Jacob D'Acquisto (U.S. Mail)