FILED
09-21-2026
CLERK OF WISCONSIN
SUPREME COURT

Supreme Court of Wisconsin

NO. 2023AP2179 **STATE V. SMITH** **L.C. #2009CF2077**

September 21, 2026

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

On September 17, 2026, this court received a petition for review filed by defendant-appellant, Omar J. Smith, pro se, of the court of appeals' decision of July 7, 2026, which it declined to reconsider by order of August 4, 2026. This matter was remitted to the circuit court on September 10, 2026. The court notes that Smith certified that he placed his petition in the prison mail system on September 3, 2026, making it timely field pursuant to the prison mailbox rule. *See State ex rel. Nichols v. Litscher*, 2001 WI 119, ¶¶24, 32 247 Wis. 2d 1013, 635 N.W.2d 292. Accordingly,

IT IS ORDERED that the September 10, 2026 remittitur order is vacated; and

IT IS FURTHER ORDERED that the petition for review is accepted for filing.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:
Hon. Mark A. Sanders (Electronic Notice)
Anna Hodges, Clerk of Circuit Court (Electronic Notice)
Michael J. Conway (Electronic Notice)
Omar J. Smith (U.S. Mail)