



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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December 16, 2020

To:

Hon. Nicholas McNamara
Circuit Court Judge
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2019AP1598-CR State v. Moore L.C.#1999CF212

Defendant-appellant-petitioner, Dennis L. Moore, has filed a petition to review the court of appeals' decision of July 23, 2020, which the court of appeals declined to reconsider by order dated August 20, 2020. Although the court of appeals stated in its August 20, 2020 order that Moore's motion for reconsideration was untimely, the cover letter accompanying the motion for reconsideration was dated August 11, 2020, and Moore has submitted a certification stating that he placed the motion for reconsideration into the prison mail system on August 11, 2020. Moore's motion for reconsideration in the court of appeals was therefore timely. State ex rel. Nichols v. Litscher, 2001 WI 119, ¶32, 247 Wis. 2d 1013, 635 N.W.2d 232 (filing deadlines for incarcerated pro se prisoners are tolled when the prisoner delivers a correctly addressed envelope containing a filing to the proper prison authorities for mailing). He therefore had 30 days from August 20,

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2020, the date of the court of appeals' order denying reconsideration, to file his petition for review in this court. The cover letter accompanying Moore's petition for review states that it was placed into the prison mail system on September 17, 2020. Because September 17, 2020, is within the 30-day period for filing a petition for review, Moore's petition for review was timely filed, even though it was not received by the clerk of this court until September 24, 2020. Id. Accordingly,

IT IS ORDERED that the petition for review of defendant-appellant-petitioner, Dennis L. Moore, is accepted for filing as timely filed on September 24, 2020; and

IT IS FURTHER ORDERED that the plaintiff-respondent, State of Wisconsin, may file a response to the petition for review on or before December 30, 2020.

Sheila T. Reiff
Clerk of Supreme Court