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February 8, 2021

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

No. 2020AP1819-W Edmonson v. Court of Appeals, District III L.C.#2007CF50

On November 4, 2020, petitioner, Jason Lee Edmonson, pro se, filed a document captioned "Petition for Prerogative Writ Pursuant to Rule 809.51 Stats." We dismiss the writ petition for the reasons stated in this order, with directions to the clerk to reinitiate the petition for writ of habeas corpus in the court of appeals.

Over the years, Mr. Edmonson has filed approximately 21 appellate actions, consisting of both direct appeals and writs, challenging his 2009 conviction for first-degree child sexual assault, felony bail jumping, and misdemeanor bail jumping. The document Mr. Edmonson filed in this court in November of 2020 asks this court to "exercise its supervisory jurisdiction over the court of appeals" because the court of appeals dismissed a petition for writ of habeas corpus that he filed

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in that court on March 19, 2020, Edmonson v. Jess, Appeal No. 2020AP508-W. In that petition, Mr. Edmonson claimed ineffective assistance of appellate counsel in a no-merit appeal. Mr. Edmonson, however, does not mention in the habeas petition to which of his 21 appellate matters he refers.

By order dated March 20, 2020, Edmonson was advised that he needed to pay the filing fee in Appeal No. 2020AP508-W, or seek a fee waiver, within 10 days of the date of the court's order. The fee or requisite fee waiver forms were due on April 6, 2020. By order dated July 2, 2020, Edmonson's petition for writ of habeas corpus was dismissed for failure to timely pay the filing fee or timely submit a petition for waiver of that filing fee. On August 13, 2020, the matter was remitted.

On September 10, 2020, the court of appeals issued an order referencing a letter Mr. Edmonson filed seeking clarification as to the status of his writ petition. Unfortunately, the record does not contain a copy of this letter. The court of appeals' order restated that the matter was dismissed on July 2, 2020, for failure to pay the filing fee or to provide an affidavit of indigency in support of a fee waiver, and that the matter was remitted on August 13, 2020. The order stated that the court of appeals would take no further action on the matter.

On September 21, 2020, Mr. Edmonson filed a letter with the court of appeals claiming that "an inadvertence during the act of remitting the record or fraud has occurred" concerning his writ petition. Mr. Edmonson stated that the court "failed to provide" him with the indigency forms necessary to petition for waiver of the filing fee. He further stated that the court "failed to inform" him that the writ was received and a filing fee was necessary, claiming that he had "already made a full and timely filing fee payment for the writ" under case no. 2020AP1259. Mr. Edmonson indicates in his letter that he has not received any information regarding the writ proceedings whatsoever, which denied him the ability to participate. The court of appeals did not respond to Mr. Edmonson's September 2020 letter.

This summary brings us to the pending "Petition for Prerogative Writ Pursuant to Rule 809.51 Stats." filed on November 4, 2020. As stated above, Mr. Edmonson is asking this court to "exercise its supervisory jurisdiction" over the court of appeals. The petition filed in this court attaches a copy of the petition for writ of habeas corpus he filed in the court of appeals on March 19, 2020. Mr. Edmonson paid the \$195 filing fee required for filing in this court on November 19, 2020.

A petition for prerogative writ filed in this court was not a proper procedural mechanism for seeking review of the court of appeals' July 2020 decision dismissing his underlying petition for writ of habeas corpus. Rather, Mr. Edmonson should have filed a petition for review of the court of appeals' July 2, 2020 order. However, if we had construed Mr. Edmonson's November 4, 2020 petition for prerogative writ as a petition for review of the July 2, 2020 order, it would have been dismissed as untimely. The 30-day period in which to file a petition for review may not be enlarged. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979).

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Also, Mr. Edmonson claims he was unaware of that his underlying habeas petition had been received, filed, assigned a case number, dismissed for lack of filing fee or waiver, and remitted, a claim that is neither supported nor refuted by the record. Therefore,

IT IS ORDERED that the clerk of this court shall refile the petition for writ of habeas corpus, filed as an attachment to the writ filed in this matter, as a new writ petition in the court of appeals;

IT IS FURTHER ORDERED that the clerk of this court shall apply the \$195 filing fee Mr. Edmonson paid for the filing of the writ for prerogative review in this court towards the filing fee in the new petition for writ of habeas corpus in the court of appeals.

Sheila T. Reiff
Clerk of Supreme Court