OFFICE OF THE CLERK

Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WI 53701-1688

TELEPHONE (608) 266-1880
FACSIMILE (608) 267-0640
Web Site: www.wicourts.gov

September 3, 2019

**To:**

Hon. David A. Hansher
Milwaukee County Circuit Court Judge
901 N. 9th St.
Milwaukee, WI 53233

Kara L. Mele
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

John Barrett
Clerk of Circuit Court
901 N. 9th St., Rm. G-8
Milwaukee, WI 53233

Dale Leroy James Jr. 203579
Jackson Correctional Inst.
P.O. Box 233
Black River Falls, WI 54615-0233

You are hereby notified that the Court has entered the following order:

---

No. 2018AP1768-W James v. Tegels L.C.#1993CF931140

The court previously held in abeyance the petition for a writ of habeas corpus filed on behalf of petitioner, State ex rel. Dale Leroy James Jr., pending this court's decision in State ex rel. Lopez-Quintero v. Dittmann, No. 2018AP203-W. On May 29, 2019, following the issuance of the decision in Lopez-Quintero, this court ordered the parties in this matter to file simultaneous letters/briefs discussing the impact of the Lopez-Quintero decision, if any, on the issues raised in the petition for a writ of habeas corpus. The court has now considered the letters filed in response to the May 29, 2019 order. Accordingly,

IT IS ORDERED that the petition for a writ of habeas corpus filed in this matter is transferred to the court of appeals for disposition in light of this court's decision in State ex rel. Lopez-Quintero v. Dittmann, 2019 WI 58, 387 Wis. 2d 50, 928 N.W.2d 480. The court of appeals shall not dismiss, ex parte, the petition for a writ of habeas corpus solely on the ground that the petition failed to allege that it was filed in a timely manner, and the court of appeals shall not dismiss the petition solely on the ground that the court of appeals previously denied the petition for a writ of habeas corpus that Dale Leroy James Jr. filed in State ex rel. James v. Meisner, No. 2012AP449-W.

PATIENCE DRAKE ROGGENSACK, C.J., and ANNETTE KINGSLAND ZIEGLER, J., dissent to this order.

---

Sheila T. Reiff
Clerk of Supreme Court