



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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July 9, 2021

To:

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

No. 2020AP360-CR

State v. Carr L.C.#2016CF3473

The court of appeals issued its final decision in this matter on May 4, 2021. A petition for review conforming to the requirements of Wis. Stat. § 808.10 and § (Rule) 809.62 must be filed in this court pursuant to Wis. Stat. § 809.80 within 30 days of the court of appeals' adverse decision. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979). Consequently, the deadline for filing a petition for review in this matter was June 3, 2021. Wis. Stat. § 808.10(1).

On May 26, 2021, counsel for defendant-appellant, Robert Carr, Jr., submitted an electronic copy of a petition for review and appendix via the appellate eFiling system. This case, however, was not part of the Supreme Court eFiling pilot project so the submission of an electronic copy of the petition for review was ineffectual and failed to invoke this court's appellate

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jurisdiction. On June 7, 2021, after counsel apparently realized her error in electronically filing the petition for review, counsel filed a motion for an extension of time to file the petition for review. On June 8, 2021, counsel filed an amended motion for an extension of time to file the petition for review. On that same date, counsel filed signed paper copies of the petition for review and appendix. On July 8, 2021, counsel filed an addendum to the amended motion.

Petitions for review (and appendices) in cases that are not part of the Supreme Court eFiling pilot project must be filed as paper originals (with the required number of copies) that are physically delivered to the Clerk of the Supreme Court within the 30-day period required by Wis. Stat. § 808.10(1). An electronic copy of the petition for review must also be filed with the Clerk of the Supreme Court. Wis. Stat. § (Rule) 809.62(4)(b). In other words, for cases that are not officially designated as part of the eFiling pilot project in the Supreme Court, petitions for review must continue to be filed and served in the same manner as they have historically been filed and served (subject to some changes in the manner in which petitions are formatted). The physical filing of the paper original of the petition for review (not the electronic copy) is the determining factor for whether a petition for review is timely filed under Wis. Stat. § 808.10.

This case is not part of the Supreme Court eFiling pilot project. The letter issued June 18, 2021 by the clerk of the court of appeals does not provide for electronic filing in this court. The 30-day period in which a petition for review could have been filed timely filed in this case expired on June 3, 2021. Because the paper copies of the petition were not physically received by the Clerk of this court until June 8, 2021, the petition for review is untimely and will be summarily dismissed. Accordingly,

IT IS ORDERED that the motion, as amended, for an extension of time to file the petition for review is denied. 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). Moreover, the motion will not be construed as a petition for a writ of habeas corpus. See State ex. el Schmelzer v. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 (1996); and

IT IS FURTHER ORDERED that the petition for review is dismissed as untimely.

Sheila T. Reiff
Clerk of Supreme Court