



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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January 11, 2022

**To:**

Hon. David L. Borowski  
Circuit Court Judge  
Milwaukee County Courthouse  
901 N. 9th St.  
Milwaukee, WI 53233

John Barrett  
Clerk of Circuit Court  
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Kenneth Lovell McDade 254013  
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P.O. Box 900  
Sturtevant, WI 53177-0900

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

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No. 2021AP1245-W      Kenneth Lovell McDade v. Steven Johnson L.C. # 2010CF3671

A petition for writ of habeas corpus having been filed by Kenneth L. McDade, Jr., pro se, and considered by this court;

IT IS ORDERED that the petition for writ of habeas corpus is granted under the unique circumstances presented in this case, and only so far as to provide the relief specified here. Mr. McDade alleges in his habeas petition that he did not timely receive a copy of the court of appeals' December 22, 2020 no-merit decision in State v. McDade, 2014AP1301-CRNM, thereby preventing him from filing a challenge to this decision within applicable deadlines. The court notes that the distribution list appearing on the first page of the court of appeals' December 22, 2020 no-merit decision in State v. McDade, 2014AP1301-CRNM, shows a different mailing address for Mr. McDade than what he provided to the clerk of courts in a change-of-address letter filed on October 9, 2020. It appears that this clerical error compromised Mr. McDade's ability to timely receive a copy of the court of appeals' decision within the 20-day deadline for filing a motion for reconsideration in the court of appeals, Wis. Stat. § 809.24(1), or within the 30-day

Page 2

January 11, 2022

No. 2021AP1245-W

Kenneth Lovell McDade v. Steven Johnson L.C. # 2010CF3671

deadline for filing a petition for review in this court, Wis. Stat. §§ 808.10(1), 809.62(1m). We therefore order the court of appeals to vacate its December 22, 2020 decision in State v. McDade, 2014AP1301-CRNM, and reissue that decision in all respects, other than a correction to Mr. McDade's address, under the date of reissuance. Mr. McDade may then file a motion for reconsideration in the court of appeals, see Wis. Stat. § 809.24, or file a petition for review with this court, see Wis. Stat. §§ 808.10, 809.62, consistent with the deadlines and procedures set forth in those statutes.

IT IS FURTHER ORDERED that the clerk of the circuit court shall transmit the record of State v. McDade, 2014AP1301-CRNM, to the court of appeals within ten days of the date of this order, so as to ensure that the court of appeals has jurisdiction to take action consistent with this order.

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Sheila T. Reiff  
Clerk of Supreme Court