



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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February 16, 2022

**To:**

Hon. Phillip A. Koss  
Circuit Court Judge  
Walworth County Courthouse  
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You are hereby notified that the Court has entered the following order:

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Nos. 2021AP2033-W      Jackson v. Winkleski, L.C. #2017CF346  
and 2020AP1678-CR      State v. Jackson, L.C. #2017CF346

On November 9, 2021, this court issued an order in State v. Jackson, No. 2020AP1678-CR, dismissing as untimely the petition for review filed on November 8, 2021, by Attorney Steven Roy, counsel for defendant-appellant, Andre Jackson. In that order, we noted that the 30-day period in which a petition for review could have been filed expired on November 5, 2021.

On November 29, 2021, this court received a pro se habeas petition, with exhibits, from Mr. Jackson in which he asserted that Attorney Roy failed to timely file a petition for review in State v. Jackson, 2020AP1678-CR, despite Mr. Jackson's request and directions. See Jackson v. Winkleski, 2021AP2033-W. On December 6, 2021, Mr. Jackson filed a letter expanding upon the

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allegations in his habeas petition. Consistent with this court's order of December 8, 2021, Attorney Roy filed a letter response to Mr. Jackson's allegations on December 20, 2021, in which he acknowledged he was responsible for missing the filing deadline because he incorrectly thought the mailing date of the petition for review would be considered the filing date.

Upon consideration of the foregoing,

IT IS ORDERED that the petition for writ of habeas corpus is granted; and

IT IS FURTHER ORDERED that the relief requested in the habeas petition, that the petition for review filed in State v. Jackson, No. 2020AP1678-CR, be reinstated and deemed timely-filed, is granted. See State ex rel. Schmelzer v. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 (1996); and

IT IS FURTHER ORDERED that the petition for review is denied, without costs. The petition does not meet any of the criteria for review set forth in Wis. Stat. § 809.62(1r).

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Sheila T. Reiff  
Clerk of Supreme Court