



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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April 22, 2022

To:

Hon. William E. Hanrahan
Circuit Court Judge
Dane County Courthouse
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Madison, WI 53703

Hon. Mario White
Circuit Court Judge
Dane County Courthouse
215 S. Hamilton St.
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Carlo Esqueda
Clerk of Circuit Court
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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2021AP26-CR

State v. Kevin A. Lee, L.C. #2019CF145

On March 2, 2022, Attorney Len Kachinsky, counsel for defendant-appellant-petitioner, Kevin A. Lee, filed in this court a no-merit petition for review of the court of appeals February 10, 2022 decision. However, it was unclear from the petition whether Attorney Kachinsky had notified Mr. Lee of his right to file a supplemental statement. This court directed Attorney Kachinsky to, inter alia, provide documentation reflecting whether he communicated with Mr. Lee regarding Mr. Lee's right to file a statement in support of the petition for review conforming to Wis. Stat. § 809.62(2)(a), (b), (c) and (e). On April 4, 2022, Attorney Kachinsky filed a response, without documentation but stating that he sent both a letter and an email to Mr. Lee advising him

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of his right. See Wis. Stat. § 809.62 (4) (stating that if the attorney “is of the opinion that a petition for review under s. 809.62 would be frivolous and without any arguable merit, the attorney *shall advise* the person of the reasons for this opinion and that the person has the right to file a petition for review.”). Attorney Kachinsky’s response indicates Fox Lake Correctional Institution refused to accept the letter sent to Mr. Lee. The court, on its own motion, elects to extend the filing deadline for Mr. Lee, in the event he chooses to file a statement in support of his attorney’s no-merit petition. Therefore,

IT IS ORDERED that pursuant to Wis. Stat. §§ 809.32(4) and 809.62, Kevin A. Lee may file a supplemental petition with the clerk of this court by May 20, 2022. The supplemental petition shall state reasons in support of the review and satisfy the requirements of § 809.62(2)(a), (b), (c), and (e). If no supplemental petition is filed within the prescribed time, this matter will be submitted to the court for appropriate action and will be decided based on the documents that have been filed to date.

Sheila T. Reiff
Clerk of Supreme Court