



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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May 13, 2022

**To:**

Hon. David M. Bastianelli  
Circuit Court Judge  
Kenosha County Courthouse  
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Kenosha, WI 53140

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

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No. 2020AP215

State v. DeShawn D. Johnson L.C.#2006CF1064

The court having considered the petition for review of the court of appeals' opinion of March 16, 2022, and the motion to extend the time in which to file a petition for review, both of which were filed by defendant-appellant, DeShawn D. Johnson, on May 12, 2022, and were dated May 9, 2022;

IT IS ORDERED that the motion for an extension of time is denied. The 30-day period in which to file a petition for review may not be enlarged. First Wis. Nat'l Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 74 (1979); and

IT IS FURTHER ORDERED that the petition for review is dismissed as untimely. Petitions for review must be physically filed with the clerk of the supreme court within 30 days of the date of the court of appeals' decision deciding the appeal or within 30 days of the court of

appeals' decision on a timely motion for reconsideration. See Wis. Stat. § 808.10 and § (Rule) 809.80. Because the defendant-appellant's motion for reconsideration was not timely filed in the court of appeals, the 30-day period for filing a petition for review in the supreme court was not tolled and began running from the date of the court of appeals' decision (March 16, 2022). Wis. Stat. § 808.10. The period for filing a petition for review therefore expired on April 15, 2022, rendering the petition for review untimely.<sup>1</sup>

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Sheila T. Reiff  
Clerk of Supreme Court

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<sup>1</sup> The defendant-appellant's petition and motion note that the envelope in which his copy of the court of appeals' decision was mailed to him was postmarked March 23, 2022, seven days after the date of the court of appeals' decision. The deadline to file a timely motion for reconsideration in the court of appeals is measured from the date of the court of appeals' decision, however, not the date on which it was served or received. Wis. Stat. § 809.24(1). In any event, even if seven additional days could have been added to that time period due to the apparent delay in the mailing of defendant-appellant's copy of the March 16, 2022 decision, the deadline for filing a timely motion for reconsideration in the court of appeals would have been April 12, 2022. The court of appeals' April 28, 2022 order denying defendant-appellant's motion for reconsideration, however, notes that the motion for reconsideration was not received until April 20, 2022, and the envelope in which it was mailed was postmarked April 15, 2022. Both of those dates were beyond the deadline for filing a timely motion for reconsideration so the court of appeals properly denied the motion as untimely. When a motion for reconsideration in the court of appeals is not timely filed, the deadline for filing a petition for review in the supreme court begins to run from the date of the court of appeals' decision. Wis. Stat. § 808.10(1).