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Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

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CLERK OF WISCONSIN

SUPREME COURT

June 15, 2022

To:

Hon. David L. Borowski
Circuit Court Judge
Milwaukee County Courthouse
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Clerk of Circuit Court
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John D. Flynn
Milwaukee Co. Dist. Attys Office
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Sara Lynn Shaeffer
Assistant Attorney General
Electronic Notice

John T. Wasielewski
Wasielewski & Erickson
Electronic Notice

Antonio Darnell Mays 266902
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

No. 2021AP765-CR State v. Mays L.C. #2018CF1428

Defendant-appellant-petitioner, Antonio Darnell Mays, is represented by Attorney John T. Wasielewski. On April 12, 2022, after receiving appellate briefing from the State and Attorney Wasielewski on Mr. Mays' behalf, the court of appeals issued a decision adverse to Mr. Mays.

On May 12, 2022, Attorney Wasielewski timely filed a petition for review on Mr. Mays' behalf. On May 23, 2022, Mr. Mays filed a pro se motion, dated May 18, 2022, in which he asks this court to consider both the petition for review filed by Attorney Wasielewski and a pro se petition for review that Mr. Mays had filed on August 6, 2021, many months before the court of appeals issued its final decision in this case, and shortly after Attorney Wasielewski had filed an appellate brief-in-chief on Mr. Mays' behalf. This court dismissed Mr. Mays' pro se petition for review as premature by order of August 26, 2021. See In Interest of A.R., 85 Wis. 2d 444, 270 N.W.2d 581 (1978) (holding that the subject of a petition for review must be the final decision of the court of appeals).

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On June 10, 2022, Mr. Mays filed a purported affidavit in support of his motion for this court to consider both the petition for review filed by Attorney Wasieleski and Mr. Mays' pro se petition for review (which, as noted above, this court dismissed on August 26, 2021).

IT IS ORDERED that Mr. Mays' motion is denied. Mr. Mays is not entitled to have hybrid representation, in which Mr. Mays and his attorney can present independent points in separate petitions for review. See State v. Debra A.E., 188 Wis. 2d 111, 138, 523 N.W.2d 727 (1994). In addition, Mr. Mays' motion cannot be construed as a timely but nonconforming petition for review, as the 30-day deadline for filing a petition for review lapsed on May 12, 2022, several days before Mr. Mays drafted his motion (May 18, 2022) and placed it in the prison mail system. See Wis. Stat. § 808.10(1).

Sheila T. Reiff
Clerk of Supreme Court