



OFFICE OF THE CLERK

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

June 16, 2022

To:

Hon. Nicholas J. Brazeau Jr.
Circuit Court Judge
Wood County Courthouse
P.O. Box 8095
Wisconsin Rapids, WI 54494

Cindy Joosten
Clerk of Circuit Court
Wood County Courthouse
P.O. Box 8095
Wisconsin Rapids, WI 54494

Kirk D. Henley
Lagmann, Inc.
230 W. Wells Street, Ste. 201
Milwaukee, WI 53203

Kieran M. O'Day
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Nathan T. Oswald
Wood County DA Office
P.O. Box 8095
Wisconsin Rapids, WI 54495-8095

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

No. 2021AP1044-CR State v. Miguel A. Meza L.C.#2019CF241

The court of appeals issued its final decision in this matter on May 5, 2022. A petition for review conforming to the requirements of Wis. Stat. § 808.10 and § (Rule) 809.62 must be filed in this court pursuant to Wis. Stat. § 809.80 within 30 days of the court of appeals' adverse decision. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979). Consequently, the deadline for filing a petition for review in this matter was June 6, 2022. Wis. Stat. § 808.10(1). On June 3, 2022, counsel for defendant-appellant, Miguel A. Meza, submitted an electronic copy of a no-merit petition for review and appendix via the appellate eFiling system. No paper copy of the no-merit petition for review and appendix was ever filed. Then, on June 13, 2022, counsel for Mr. Meza filed a motion to extend the time for Mr. Meza to file a supplemental petition.

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Pursuant to this court's June 15, 2021 order entitled "In re Interim Court Rule Governing Electronic Filing in the Supreme Court," S. Ct. Order Nos. 19-02A and 20-07A, 2021 WI 62 (issued June 15, 2021, eff. July 1, 2021), and the "Wisconsin Supreme Court Electronic Filing Pilot Project: Revised Interim Rule Beginning July 1, 2021" adopted by the June 15, 2021 order, petitions for review (and appendices) in cases that are not part of the Supreme Court eFiling pilot project must be filed as paper originals (with the required number of copies) that are physically delivered to the Clerk of the Supreme Court within the 30-day period required by Wis. Stat. § 808.10(1). An electronic copy of the petition for review must also be filed with the Clerk of the Supreme Court. See S. Ct. Order 19-02A and 20-07A, 2021 WI 62. In other words, for cases that are not officially designated as part of the eFiling pilot project in the Supreme Court, petitions for review must continue to be filed and served in the same manner as they have historically been filed and served (subject to some changes in the manner in which petitions are formatted). The physical filing of the paper original of the petition for review (not the electronic copy) is the determining factor for whether a petition for review is timely filed under Wis. Stat. § 808.10.

The 30-day period in which a petition for review could have been filed expired on June 6, 2022. In this case, the paper original of the petition for review was never filed. Therefore, this court has no jurisdiction in this matter. Accordingly,

IT IS ORDERED that the Clerk of this court shall reject the electronic copy of the petition for review and appendix that was submitted through the appellate eFiling system. See State ex rel. Schmelzer v. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 (1996); and,

IT IS FURTHER ORDERED that motion to extend the time for Mr. Meza to file a supplemental petition is dismissed as moot. There is no pending matter in this court at this time.

Sheila T. Reiff
Clerk of Supreme Court