



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

November 4, 2015

To:

Hon. Gerald P. Ptacek
Racine County Circuit Court Judge
730 Wisconsin Avenue
Racine, WI 53403

Samuel Christensen
Racine County Clerk of Circuit Court
730 Wisconsin Avenue
Racine, WI 53403

Sara Lynn Schaeffer
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Aman Singh
5685 W. Upham Ave.
Greenfield, WI 53220

Thomas Shriner/ Brett Ludwig
Philip Babler
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202-5306

You are hereby notified that the Court has entered the following order:

No. 2013AP1724

Singh v. Kemper L.C.#2013CV1540

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of petitioner-appellant-petitioner, Aman Singh, and a cross petition for review having been filed on behalf of respondent-respondent-cross petitioner, Paul Kemper, in his capacity as warden of the Racine Correctional Institution, and both petitions having been considered by this court;

IT IS ORDERED that the petition for review filed by petitioner-appellant-petitioner, Aman Singh, is granted as to the following issue: is § 973.198, Stats., which changed the role the sentencing court plays in reviewing prisoners' potential early release based on positive adjustment time, unconstitutional; and

IT IS FURTHER ORDERED that the cross petition for review is granted; and

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IT IS FURTHER ORDERED that pursuant to Wis. Stat. § (Rule) 809.62(6), the petitioner-appellant-petitioner may not raise or argue issues other than the issue set forth in the order and the respondent-respondent-cross petitioner may not raise or argue issues not set forth in the cross petition for review unless ordered by the court; and

IT IS FURTHER ORDERED that pursuant to Wis. Stat. §§ (Rules) 809.62(6) and 809.63, that the briefs of both petitioner-appellant-petitioner and respondent-respondent-cross petitioner are due within 60 days following the date of this order; briefs of each party responding to the brief of the other party are due within 20 days following service of the initial brief on the party responding; and reply briefs or statements that no reply brief will be filed are due within 10 days following service of the responding brief on the party replying; and

IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and

IT IS FURTHER ORDERED that the first briefs filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; and

IT IS FURTHER ORDERED that within 60 days after the date of this order, each party must provide the clerk of this court with 10 copies of the brief previously filed on behalf of that party in the court of appeals; and

IT IS FURTHER ORDERED that Attorneys Thomas Shriner, Brett Ludwig, and Philip Babler shall serve as counsel for petitioner-appellant-petitioner, Aman Singh. Their representation shall be on a pro bono basis and not subject to compensation under SCR ch. 81. The court notes that petitioner-appellant-petitioner has given his consent to be represented by Attorneys Shriner, Ludwig, and Babler; and

IT IS FURTHER ORDERED that the allowance of costs, if any, in connection with the granting of the petitions will abide the decision of this court on review.

R. Bradley, J., did not participate in this order.

Diane M. Fremgen
Clerk of Supreme Court