



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

September 20, 2022

To:

Hon. Patricia Baker
Circuit Court Judge
Portage County Courthouse
1516 Church St.
Stevens Point, WI 54481

Chris Marfilius
Juvenile Clerk
Portage County Courthouse
1516 Church St.
Stevens Point, WI 54481

Brianna Lynn Sweeney
Tiffany Rose Wunderlin
Portage County Corporation Counsel
1516 Church St.
Stevens Point, WI 54481

Jill C. Vento
3215 Golf Rd., No. 342
Delafield, WI 53018

Sheila J. Kessler
Kessler & Greer Law Offices
P.O. Box 866
Stevens Point, WI 54481

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

No. 2022AP30

Portage County DH & HS v. A.K., L.C.#2021TP2

The court of appeals issued its decision in this proceeding on August 11, 2022. In order to be timely filed, 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). In this case, since the 30th day following the August 11, 2022 decision fell on a Saturday, the deadline for filing a petition for review in this matter was Monday, September 12, 2022. Wis. Stat. § 801.15.

Page 2

September 20, 2022

No. 2022AP30

Portage County DH & HS v. A.K., L.C.#2021TP2

On August 30, 2022, counsel for respondent-appellant, A.K., submitted an electronic copy of a petition for review and an appendix into the appellate eFiling system. Counsel did not file a paper original of the petition on that date. On September 16, 2022, counsel for the respondent-appellant submitted a paper original of the petition for review to the clerk's office.

Pursuant to this court's June 15, 2021 order entitled "In re Interim Court Rule Governing Electronic Filing in the Supreme Court," (Nos. 19-02A and 20-07A), and the "Wisconsin Supreme Court Electronic Filing Pilot Project: Revised Interim Rule Beginning July 1, 2021" that was 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) with the Clerk of the Supreme Court within the 30-day period required by Wis. Stat. § 808.10. This means that the paper original of a petition for review must be physically delivered to the Clerk of the Supreme Court within the 30-day period. Although an electronic copy of the petition for review must also be filed with the Clerk of the Supreme Court, Wis. Stat. § (Rule) 809.62(4)(b), for cases that are not officially designated as part of the eFiling pilot project in the Supreme Court, 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.

In this case, the paper original of a petition for review was not filed within the 30-day period prescribed by Wis. Stat. § 808.10, and the petitioner has not properly invoked this court's appellate jurisdiction. The petitioner's petition for review is untimely and must be dismissed. Accordingly,

IT IS ORDERED that the petition for review is dismissed. Moreover, there is no proper paper filing before this court that could be construed as a petition for habeas corpus. See State ex rel. Schmelzer V. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 91996).

Sheila T. Reiff
Clerk of Supreme Court