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October 6, 2022

To:

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

No. 2019AP1442-CRNM State v. Ames, L.C. #2016CF5229

The court having construed the document dated on September 21, 2022, and filed on October 5, 2022, by defendant-appellant, Dvonta P. Ames, pro se, as a motion to extend the time in which to file a petition to review the court of appeals' decision of July 19, 2022;

IT IS ORDERED that the motion is denied. The 30-day period in which to file a petition for review may not be enlarged. First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979). In addition, the motion may not be construed as a timely but nonconforming petition for review because more than 30 days have passed from the issuance of the court of appeals' decision of July 19, 2022. 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 or within 30 days of the court of appeals' decision on a motion for reconsideration. See Wis. Stats. § 808.10 and § (Rule) 809.80. Although the time period for filing a petition for review is tolled when an

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incarcerated person places the petition into the prison mail system, in this case the filings indicate that the period had already expired by the time Mr. Ames placed his motion and accompanying petition for review in the prison mail system. See State ex rel. Nichols v. Litscher, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292; and,

IT IS FURTHER ORDERED that, for the above-stated reasons, the petition for review is dismissed as untimely.

Sheila T. Reiff
Clerk of Supreme Court