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Supreme Court of Wisconsin

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November 17, 2022

To:

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

Nos. 2022XX962-CR State v. Michael J. Leighton, L.C.# 2018CM1416
2021AP1949-CR

By order dated June 22, 2022, this court denied the pro se petition for review in Case No. 2021AP1949-CR filed by defendant-appellant-petitioner, Michael J. Leighton. On August 8, 2022, a document entitled "Motion for Extension of Time Limits" was filed by Mr. Leighton in this court, in which he asked for an extension of time to file either a motion for reconsideration of this court's June 22, 2022 order or a motion for ineffective assistance of appellate counsel.

Page 2

November 17, 2022

Nos. 2022XX962-CR

2021AP1949-CR

State v. Michael J. Leighton, L.C.# 2018CM1416

On August 10, 2022, this court issued an order dismissing Mr. Leighton's extension motion, noting that no extension could be given for a motion for reconsideration because there is no statutory authority permitting a motion for reconsideration of an order denying a petition for review. Archdiocese of Milwaukee v. City of Milwaukee, 91 Wis. 2d 625, 284 N.W.2d 29 (1979).

On November 7, 2022, the court received a letter from Mr. Leighton, which this court construes as a motion for clarification regarding his earlier dismissed motion. Among other things, Mr. Leighton asks which appellate court has jurisdiction over his claims alleging ineffective assistance of appellate counsel. Because Mr. Leighton's petition for review was denied and reconsideration motions from the denial of a petition for review are not permitted, there is no pending action in the supreme court and therefore this court has no jurisdiction to rule on any motion. Moreover, a claim of ineffective assistance against an appellate attorney may be raised through a petition for a writ of habeas corpus under State v. Knight, 168 Wis. 2d 509, 484 N.W.2d 540 (1992), in the court where the alleged ineffective assistance occurred. No such petition has been filed in this court so no claims of ineffective assistance of appellate counsel are pending before this court. To the extent that Mr. Leighton has attempted to raise claims of ineffective assistance of appellate counsel in the court of appeals, that court has addressed or will address them. Therefore, there is nothing to clarify regarding the prior extension motion or any claims of ineffective assistance of appellate counsel in this court, and the motion for clarification will be dismissed. Accordingly,

IT IS ORDERED that the November 7, 2022 motion for clarification of defendant-appellant-petitioner, Michael J. Leighton, is dismissed.

Sheila Reiff
Clerk of Supreme Court