



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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November 22, 2022

To:

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

No. 2020AP22-CR

State v. Simmons, L.C. #2016CF2778

On November 16, 2020, this court issued an order finding the petition for review filed by Attorney Timothy A. Provis on behalf of defendant-appellant-petitioner, Tiffany Linn Simmons, to be deficient and ordering that a substitute petition for review be filed by December 16, 2020. The November 16, 2020 order also directed that Attorney Provis provide notice of the order to his supervisor at the Office of the State Public Defender within three days of receipt of the order.

Attorney Provis apparently misread or misunderstood the November 16, 2022 order, as he submitted a slightly modified petition for review into the e-filing system at approximately 8:45 p.m. on November 16, 2022, just hours after he says he received a copy of the order. Because this court continues to require paper filings for cases that are not accepted into the court's e-filing pilot project, the submission of a document into the e-filing system had no legal significance. Apparently mistakenly believing that the November 16, 2022 order required him to file a substitute

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petition the same day the order was issued, Attorney Provis filed a motion on November 18, 2022, for an extension of time to file the substitute petition, along with a proposed substitute petition for review (the paper original of the electronic document he submitted into the e-filing system on November 16, 2022). The clerk's office inadvertently accepted for filing the proposed substitute petition for review on November 18, 2022. Accordingly,

IT IS ORDERED that the motion for an extension of time to file a substitute petition for review in this matter that fully complies with the requirements of Wis. Stat. § 809.62 is denied and the proposed substitute petition for review accompanying the motion is not accepted for filing. The clerk of this court shall delete from the docket of this case the entry showing the filing of a substitute petition for review on November 18, 2022. A substitute petition for review fully complying with the requirements of Wis. Stat. § 809.62, including by containing a sufficient argument section addressing the issue(s) raised in the substitute petition for review, shall be filed with the clerk of this court by December 16, 2022; and

IT IS FURTHER ORDERED that, within three days of receipt of this order, current counsel for defendant-appellant-petitioner shall notify his supervisor at the Office of the State Public Defender of this order; and

IT IS FURTHER ORDERED that the plaintiff-respondent, State of Wisconsin, shall file a supplemental response to the substitute petition for review within 14 days after service of the substitute petition pursuant to Wis. Stat. § 809.62(3).

Sheila T. Reiff
Clerk of Supreme Court