

FILED
12-15-2022
CLERK OF WISCONSIN
SUPREME COURT



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Supreme Court of Wisconsin

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December 15, 2022

To:

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Circuit Court Judge
Fond du Lac County Courthouse
Electronic Notice

Ramona Geib
Clerk of Circuit Court
Fond du Lac County Courthouse
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Kieran M. O'Day
Assistant Attorney General
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*Address list continued on Page 2.

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

Nos. 2022AP1568-W	<u>Elworth v. Department of Corrections</u> , L.C. #2019CF380
2021AP903-CR	<u>State v. Elworth</u> , L.C. #2019CF380

A petition for writ of habeas corpus having been filed on behalf of petitioner, Cyrus A. Elworth, and considered by this court, together with the petition for review filed on August 29, 2022;

IT IS ORDERED that the petition for writ of habeas corpus is granted, ex parte;

IT IS FURTHER ORDERED that the relief requested in the habeas petition, that the petition for review filed in State v. Elworth, No. 2021AP903, be reinstated and deemed timely-filed, is granted. See State ex rel. Nichols v. Litscher, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292; State ex rel. Schmelzer v. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 (1996).

IT IS FURTHER ORDERED that the petition for review is denied, without costs.

Sheila T. Reiff
Clerk of Supreme Court

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Elworth v. Department of Corrections, L.C. #2019CF380

State v. Elworth, L.C. #2019CF380

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