



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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December 27, 2022

To:

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

No. 2020AP275-CR State v. White, L.C. #2018CF12

The court of appeals issued its final decision in this matter on November 3, 2022. 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). Consequently, the deadline for filing a petition for review in this matter was Monday, December 5, 2022. Wis. Stat. § 808.10(1); see also § (Rule) 809.82(1); § 801.15(1)(b). On December 5, 2022, counsel for defendant-appellant, Donald White, submitted an electronic copy of a petition for review and appendix via the appellate eFiling system. A paper copy of the petition for review and appendix was filed on December 6, 2022.

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Pursuant to this court's June 15, 2021 order entitled "In re Interim Court Rule Governing Electronic Filing in the Supreme Court," S. Ct. Order Nos. 19-02A and 20-07A, 2021 WI 62 (issued June 15, 2021, eff. July 1, 2021), and the "Wisconsin Supreme Court Electronic Filing Pilot Project: Revised Interim Rule Beginning July 1, 2021" 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) that are physically delivered to the Clerk of the Supreme Court within the 30-day period required by Wis. Stat. § 808.10(1). An electronic copy of the petition for review must also be filed with the Clerk of the Supreme Court. See S. Ct. Order 19-02A and 20-07A, 2021 WI 62. In other words, for cases that are not officially designated as part of the eFiling pilot project in the Supreme Court, petitions for review must continue to be filed and served in the same manner as they have historically been filed and served (subject to some changes in the manner in which petitions are formatted). 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.

The 30-day period in which a petition for review could have been filed expired on December 5, 2022. In this case, the paper original of the petition for review is untimely, and the petition will be summarily dismissed. Accordingly,

IT IS ORDERED that the petition for review is dismissed, and the Clerk of this court shall reject the electronic copy of the petition for review and appendix that was submitted through the appellate eFiling system. See State ex rel. Schmelzer v. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 (1996).

Sheila T. Reiff
Clerk of Supreme Court