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**SUPREME COURT**

July 26, 2023

**To:**

Hon. Michael O. Bohren  
Circuit Court Judge  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Appeals Processing  
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Hon. Randy R. Koschnick  
Director of State Courts  
P.O. Box 1688  
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Rafeal D. Newson 287339  
Waupun Correctional Inst.  
P.O. Box 351  
Waupun, WI 53963-0351

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

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No. 2021AP714

Newson v. Wagner, L.C.#2020CV4744

The court of appeals issued its decision in this proceeding on May 9, 2023, which it declined to reconsider by order of May 30, 2023. 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 or within 30 days of the court of appeals' decision on a timely filed motion for reconsideration. See Wis. Stats. § 808.10 and § (Rule) 809.80. In this instance, the deadline for plaintiff-appellant, Rafeal D. Newson, to file a petition for review was June 29, 2023.

On July 5, 2023, the court received Mr. Newson's pro se petition for review. The petition was dismissed on July 7, 2023, as untimely. On July 20, 2023, Mr. Newson filed a document that this court construes as a motion for reconsideration of the dismissal of his petition for review. In his motion for reconsideration, Mr. Newson represents that the court should accept the petition for review as timely filed pursuant to the prison mailbox rule. Although the time period for filing a petition for review is tolled when an incarcerated person places the petition into the prison mail system, in this case the filings indicates that the period had already expired by the time Mr. Newson

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placed his petition for review in the prison mail system.<sup>1</sup> See State ex rel. Nichols v. Litscher, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292. Accordingly;

IT IS ORDERED that the motion for reconsideration is denied. The petition for review was properly dismissed.

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Samuel A. Christensen  
Clerk of Supreme Court

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<sup>1</sup> The petition for review was dated June 29, 2023; however, Mr. Newson certified in his petition for review "that this petition was deposited in the Waupun Correctional Institution mail system, for pre-paid, first-class postage, correctly addressed, to the Wisconsin Supreme Court on June 30<sup>th</sup>, 2023." (Emphasis added). Mr. Newson signed and dated the certification on June 30, 2023.