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CLERK OF WISCONSIN
SUPREME COURT

September 14, 2023

To:

Hon. Janet C. Protasiewicz
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Matt Borkovec
Electronic Notice

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Fred L. Davenport 613499
Columbia Correctional Institution
P.O. Box 900
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Katie York
Office of State Public Defender
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Madison, WI 53707-7923

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

No. 2021AP661-CR State v. Davenport, L.C.#2019CF2866

In a decision dated November 22, 2022, the court of appeals affirmed: (1) a judgment of conviction entered upon Fred L. Davenport's guilty plea to first-degree reckless homicide as a party to a crime; and (2) a circuit court order denying postconviction relief. Mr. Davenport was represented on appeal by appointed counsel, Attorney Matthew J. Borkovec. On December 28, 2022, Attorney Borkovec filed a paper copy of a petition for review. By order of December 29, 2022, this court dismissed the petition for review as untimely, consistent with the Order and Amended Revised Interim Rule in effect at that time. See "In re Interim Court Rule Governing Electronic Filing in the Supreme Court," S. Ct. Order 19-02B and 20-07B, 2022 WI 62 (issued July 7, 2022, effective July 7, 2022), Amended Revised Interim Rule at 6 n.5 ("[A] petition for review that has not been accepted as part of the pilot project is not considered filed until a paper copy is physically received in the Clerk's office.")

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No. 2021AP661-CR

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On September 11, 2023, Mr. Davenport, pro se, filed a document titled “Petition For Reconsideration,” in which he suggests, among other things, that Attorney Borkovec was ineffective for failing to file the petition for review in a timely matter.

Attorney Borkovec needs to be heard from on this matter.

IT IS ORDERED that within 14 calendar days of the date of this order, Attorney Matthew J. Borkovec shall file a letter explaining his efforts to file a petition for review on Mr. Davenport’s behalf; and

IT IS FURTHER ORDERED that Mr. Davenport’s September 11, 2023 “Petition For Reconsideration” shall be held in abeyance pending further order of the court.

Samuel A. Christensen
Clerk of Supreme Court