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Supreme Court of Wisconsin

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09-19-2023
CLERK OF WISCONSIN
SUPREME COURT

September 19, 2023

To:

Hon. Jeffrey A. Conen
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

Winn S. Collins
Electronic Notice

Anthony Dotts 238583
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

No. 2023AP1117-W Dotts v. Gierach, L.C.#1991CF912523

On July 11, 2023, the court of appeals issued its final decision in this matter, and on August 14, 2023, it denied a timely motion for reconsideration filed by petitioner, Anthony Dotts. A petition for review conforming to the requirements of Wis. Stat. § 808.10 and § (Rule) 809.62 must be filed in this court 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. Stat. § 808.10. Consequently, the deadline for filing a petition for review in this matter was Wednesday, September 13, 2023. Wis. Stat. § 808.10(1).

A petition for review signed by Mr. Dotts, pro se, was received in the clerk's office on September 18, 2023, along with a motion for waiver of the required number of copies of the petition for review. The petition was dated September 14, 2023, and contained a "Certification of Filing by Mail," which certified that the petition for review had been placed into the prison mail system on September 14, 2023. 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 petition was dated and placed into the prison mail system after the 30-day time period had already expired. Consequently, the petition is untimely pursuant to Wis. Stat. §§ 808.10 and 809.62(1m), and First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979), and must be dismissed. Accordingly,

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IT IS ORDERED that the petition for review is dismissed, without costs; and

IT IS FURTHER ORDERED that the motion for waiver of the required number of copies is dismissed as moot.

Samuel A. Christensen
Clerk of Supreme Court