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Supreme Court of Wisconsin

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CLERK OF WISCONSIN
SUPREME COURT

November 9, 2023

To:

Hon. Ann Knox-Bauer
Circuit Court Judge
Electronic Notice

James A. Rebholz
Electronic Notice

Jill Scheithauer
Clerk of Circuit Court
Taylor County Courthouse
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Kristopher W. Reid 693008
New Lisbon Correctional Inst.
P.O. Box 2000
New Lisbon, WI 53950-2000

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

No. 2021AP1809-CRNM State v. Reid, L.C.#2017CF97

On August 8, 2023, the court of appeals issued its final decision in this matter. The decision summarily affirmed the circuit court's judgment of conviction and relieved Attorney James Rebholz of any further representation of defendant-appellant-petitioner, Kristopher Reid. On September 29, 2023, the court of appeals denied a motion for reconsideration filed by Mr. Reid, pro se. 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 motion for reconsideration. See Wis. Stats. § 808.10 and § (Rule) 809.80. In this case, since the 30th day following the September 29, 2023 decision on the motion for reconsideration fell on a Sunday, the deadline for filing a petition for review in this matter was Monday, October 30, 2023. See Wis. Stat. § 801.15.

On October 10, 2023, this court was copied on a letter that Mr. Reid sent to Attorney Rebholz. The letter asked Attorney Rebholz to prepare and file a no-merit petition for review in this court. The court notes that because Attorney Rebholz was relieved of his duty to represent Mr. Reid by the court of appeals, Attorney Rebholz has no obligation to further file documents on behalf of Mr. Reid.

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On November 1, 2023, because no petition for review was received, this matter was remitted to the circuit court.

On November 2, 2023, the court received a petition for review, which was dated October 25, 2023, and presumably placed into the prison mail system on that date, from Mr. Reid, pro se. The petition for review is timely. See State ex rel. Nichols v. Litscher, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292 (holding that the 30-day deadline for filing a petition for review is tolled from the date that a pro se prisoner delivers a correctly addressed petition to the proper prison authorities for mailing).

Upon the foregoing,

IT IS ORDERED that the November 1, 2023 remittitur order is vacated;

IT IS FURTHER ORDERED the clerk of the circuit court shall transmit the record of 2017CF97 to this court within ten days of the date of this order;

IT IS FURTHER ORDERED that the petition for received on November 2, 2023, is accepted as filed;

IT IS FURTHER ORDERED that the State shall have 14 days from the date of this order to file either a response to the petition for review or a statement that no response will be filed; and

IT IS FURTHER ORDERED that the petition will be subject to dismissal unless with 14 days of this order, Mr. Reid submits the \$195.00 filing fee, or good cause is shown for waiving the fee by the filing of the petition for waiver of fees, which will be forwarded to Mr. Reid by the clerk of this court with a separate letter.

Samuel A. Christensen
Clerk of Supreme Court