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SUPREME COURT

November 13, 2023

To:

Hon. W. Andrew Voigt
Circuit Court Judge
Electronic Notice

Julie Kayartz
Clerk of Circuit Court
Columbia County Courthouse
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Jennifer L. Vandermeuse
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Brent Fluke
Mike Durfee State Prison
1412 Wood St.
Springfield, SD 57062

Stanley J. Maday Jr.
Mike Durfee State Prison
1412 Wood Street
Springfield, SD 57062

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

No. 2023AP1523-W Maday v. Carr, L.C.#2011CF442

On August 21, 2023, Stanley J. Maday, Jr., pro se, filed a petition for writ of habeas corpus alleging that he should be released from custody because this court's decision in State v. Maday, 2017 WI 28, 374 Wis. 2d 164, 892 N.W.2d 611, violated the ex post facto protections embodied in the Due Process Clause. We note that this issue appears to be the subject of documents that Mr. Maday enclosed with his habeas petition; namely, his January 16, 2023 motion for postconviction relief under Wis. Stat. § 974.06, and the circuit court's July 7, 2023 order denying that motion—an order that Mr. Maday is currently appealing. See State v. Maday, 2023AP1303.

IT IS ORDERED that the petition is dismissed. Habeas relief is not a substitute for an appeal. State v. Pozo, 2002 WI App 279, ¶8, 258 Wis. 2d 796, 654 N.W.2d 12. After the court of appeals issues its final decision in State v. Maday, 2023AP1303, Mr. Maday may seek review in this court of that decision.

Samuel A. Christensen
Clerk of Supreme Court