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Supreme Court of Wisconsin

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CLERK OF WISCONSIN
SUPREME COURT

November 28, 2023

To:

Hon. Michael Gibbs
Circuit Court Judge
Electronic Notice

Michael C. Sanders
Electronic Notice

Tara Berry
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

Ronnie L. Thums 381472
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

Nos. 2022AP1910 State v. Thums, L.C.#2004CF132
2022AP1911

The court of appeals issued its decision in this proceeding on October 4, 2023, which it declined to reconsider by order of November 2, 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 case, since the 30th day following the November 2, 2023 decision on the timely filed motion for reconsideration falls on a Saturday, the deadline for defendant-appellant, Ronnie L. Thums, to file a petition for review in this matter would be Monday, December 4, 2023. See Wis. Stat. § 801.15.

On November 10, 2023, Mr. Thums filed a motion in this court asking for an extension of time to file his petition for review and for permission to file one copy of his petition. In his motion, Mr. Thums alleges that there was a delay in him receiving orders from the court of appeals due to issues with the machine that screens incoming prison mail. The court construes the motion as a timely but nonconforming petition for review because the 30-day period in which to file a petition for review may not be enlarged. See First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979). Accordingly,

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IT IS ORDERED that the motion for an extension of time to file a petition for review is denied. See First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d. 360, 274 N.W.2d 704 (1979). The motion, however, is deemed to be a timely but nonconforming petition for review. Consequently, a statement in support of the petition, conforming to the requirements of Wis. Stat. §§ 809.62(2) and (4), must be filed with the clerk of this court by January 5, 2024. If the statement is not filed by that time, this petition will be summarily dismissed; and

IT IS FURTHER ORDERED that the motion to file one copy of the petition for review is denied as moot. The court notes that, effective July 1, 2023, paper filers in the supreme court are required to submit a single copy of each filing to the clerk of this court. Wis. Stat. § (Rule) 809.80(1). Consequently, defendant-appellant may file one copy of his statement in support of the petition for review on or before January 5, 2024. Defendant-appellant is reminded, however, that he remains solely responsible for serving a copy of his statement in support of the petition for review on the State of Wisconsin, as the clerk of this court is neither required nor authorized to serve papers on behalf of litigants.

Samuel A. Christensen
Clerk of Supreme Court