FILED
05-13-2024
CLERK OF WISCONSIN
SUPREME COURT

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Supreme Court of Wisconsin
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May 13, 2024

To:

Hon. David M. Reddy
Circuit Court Judge
Electronic Notice

Michele Jacobs
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Jacob J. Wittwer
Electronic Notice

Chad E. Miller 261591
Winnebago Correctional Center
P.O. Box 219
Winnebago, WI 54985-0219

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

Nos. 2022AP2126-CR State v. Miller, L.C.#1992CF279
2022AP2127-CR L.C.#1993CF95

On April 3, 2024, the court of appeals issued its final decision in this matter. 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 Friday, May 3, 2024. See id.

On May 2, 2024, defendant-appellant, Chad E. Miller, pro se, filed a document in this court inquiring about his indigency status in this court and asking if the deadline for him file his petition for review could be extended. The court notes that 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).

On May 6, 2024, Mr. Miller, pro se, filed a "Motion for Appointment of Counsel to Assist in Preparation of Petition for Review."

The court having considered all of the foregoing,

IT IS ORDERED that the May 2, 2024 document shall be construed as a timely nonconforming petition for review. However, a statement in support of the petition, conforming to the requirements of Wis. Stat. §§ (Rules) 809.62(2) and (4), must be filed with the clerk of this court by July 12, 2024. The court notes that the December 13, 2022 court of appeals' order that waived the filing fee only determined that Mr. Miller was indigent in the court of appeals. Accordingly, Mr. Miller must file new indigency documents in this court. The indigency documents will be forwarded to him via separate order. Failure to file the statement or file the proper indigency forms may cause this petition to be summarily dismissed; and

IT IS FURTHER ORDERED that the motion for appointment of counsel is denied. There is no constitutional right for appointment of counsel for purposes of filing a petition for review.

Samuel A. Christensen
Clerk of Supreme Court