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Supreme Court of Wisconsin

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December 17, 2013

To:

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Milwaukee County Circuit Court Judge
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You are hereby notified that the Court has entered the following order:

No. 2012AP378-W

Kyles v. Pollard L.C.# 2002CF2732

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of petitioner-petitioner, Lorenzo D. Kyles, and considered by this court;

IT IS ORDERED that the petition for review is granted and that pursuant to Wis. Stat. § (Rule) 809.62(6), the petitioner-petitioner may not raise or argue issues not set forth in the petition for review unless otherwise ordered by the court; and

IT IS FURTHER ORDERED that pursuant to Wis. Stat. §§ (Rules) 809.62(6) and 809.63, within 30 days after the date of this order the petitioner-petitioner must file a brief in this court; that within 20 days of filing the respondent, William Pollard, Warden, must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the respondent, within 10 days of filing the petitioner-petitioner must file either a reply brief or a statement that no reply brief will be filed; and

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IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and

IT IS FURTHER ORDERED that the first brief filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; and

IT IS FURTHER ORDERED that within 30 days after the date of this order, each party must provide the clerk of this court with 10 copies of the brief previously filed on behalf of that party in the court of appeals; and

IT IS FURTHER ORDERED that petitioner-petitioner Lorenzo D. Kyles' motion to appoint counsel is granted. Attorney Robert R. Henak shall serve as counsel for Lorenzo D. Kyles. Attorney Henak's representation shall be on a pro bono basis and not subject to compensation under SCR ch. 81. The court notes that Lorenzo D. Kyles has given his consent to be represented by Attorney Henak; and

IT IS FURTHER ORDERED that the allowance of costs, if any, in connection with the granting of the petition will abide the decision of this court on review.

Diane M. Fremgen
Clerk of Supreme Court