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**Supreme Court of Wisconsin**

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December 11, 2012

**To:**

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You are hereby notified that the Court has entered the following order:

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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 within fourteen days of the date of this order, the respondent, William Pollard, is directed to file a response to the petition for review, addressing specifically the correctness of the court of appeals' May 9, 2012 decision in light of State ex rel. Smalley v. Morgan, 211 Wis. 2d 795, 565 N.W.2d 805 (Ct. App. 1997), abrogated on other grounds by State ex rel. Coleman v. McCaughtry, 2006 WI 49, ¶29, 290 Wis. 2d 352, 714 N.W.2d 900, and State ex rel. Santana v. Endicott, 2006 WI App 13, 288 Wis. 2d 707, 709 N.W.2d 515 (Ct. App. 2005). The State is further directed to discuss in its response the preclusive effect, if any, of prior state court proceedings on the instant case.

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Diane M. Fremgen  
Clerk of Supreme Court