



OFFICE OF THE CLERK
Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WI 53701-1688

TELEPHONE (608) 266-1880
FACSIMILE (608) 267-0640
Web Site: www.wicourts.gov

FILED
11-22-2024
CLERK OF WISCONSIN
SUPREME COURT

November 22, 2024

To:

Hon. Karl Hanson
Circuit Court Judge
Electronic Notice

John W. Kellis
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Faun M. Moses
Electronic Notice

Olivia Garman
Electronic Notice

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

No. 2023AP645-CR State v. McAdory, L.C.#2016CF26

On October 7, 2024, the court granted the petition filed by defendant-appellant-petitioner, Cory McAdory, seeking review of a published court of appeals decision. State v. McAdory, 2024 WI App 29, 412 Wis. 2d 112, 8 N.W.3d 101. The petition presented an issue regarding the post-remittitur authority granted to circuit courts by Wis. Stat. § 346.63(1)(c).

On November 8, 2024, plaintiff-respondent, State of Wisconsin, filed a motion to dismiss the petition for review as improvidently granted on the basis that Mr. McAdory had absconded from extended supervision. The State represented that, according to the Wisconsin Department of Corrections Probation and Parole Office, Mr. McAdory was released from prison on May 28, 2024, had cut-off his GPS ankle bracelet off one day later, and had made no contact with the department or his probation agent since that date. The State noted that “an appellate court may dismiss the appeal of a defendant who is a fugitive from justice during the pendency of his appeal.” Ortega-Rodriguez v. United States, 507 U.S. 234, 239 (1993).

On November 15, 2024, Mr. McAdory’s counsel filed a response to the State’s motion to dismiss. Counsel represents that, after counsel notified Mr. McAdory of the State’s motion to

Page 2

November 22, 2024

No. 2023AP645-CR

State v. McAdory, L.C.#2016CF26

dismiss, Mr. McAdory turned himself in to authorities and is therefore no longer in absconder status.

On the basis of Mr. McAdory's counsel's representations,

IT IS ORDERED that the State's motion to dismiss the petition for review as improvidently granted is denied.

Samuel A. Christensen
Clerk of Supreme Court