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CLERK OF WISCONSIN

SUPREME COURT

November 27, 2024

To:

Hon. Gerad T. Dougville
Circuit Court Judge
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Jason A. Olrich 522188
Kettle Moraine Correctional Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

No. 2024AP1455-W

Olrich v. Circuit Court for Kenosha County, L.C.# 2015CF872

On July 19, 2024, Jason A. Olrich, pro se, filed a document captioned “Motion for Post Conviction Relief & Writ of Mandamus” in the court of appeals. In that filing, Olrich raised a number of claims relating to his conviction in Kenosha County Case No. 2015CF872. He alleged, inter alia: that counsel was ineffective for failing to file a motion for postconviction relief; that he had pending motions that the circuit court has not ruled on; that the circuit court and its clerk refused to provide him with documents he requested; that his sentence was improperly calculated and illegal; that officials in the Kenosha County Jail refused delivery of his legal mail; that he possessed newly discovered evidence concerning his underlying conviction; that he was improperly treated by corrections officials, and that he was denied his right to due process.

On September 17, 2024, the court of appeals dismissed Olrich’s filing for failure to file the statutory filing fee. That order incorrectly referred to Olrich’s filing as a “petition for writ of habeas corpus” and incorrectly listed “Larry Fuchs” as the respondent rather than the Circuit Court for Kenosha County.

On November 4, 2024, Olrich filed with this court a document captioned “Motion for Postconviction Relief Pursuant to W.S.A. 974.06” and a motion to waive the filing fee and proceed in forma pauperis. Those documents are dated October 27, 2024, restate and expand upon the

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allegations contained in Olrich's filing before the court of appeals, and ask this court to reverse the court of appeals. Thereafter, Olrich filed an amended motion and supplemental exhibits and a declaration related to the November 4, 2024 filing.

Having reviewed Olrich's filings in this court and the court of appeals, this court construes Olrich's November 4, 2024 filing as an untimely petition for review of the court of appeals' decision dated September 17, 2024. Pursuant to Wis. Stat. §§ 808.10(1) and 809.62(1m), a petition for review must be filed with the clerk of the supreme court within 30 days after the date of the decision of the court of appeals. That deadline is jurisdictional and cannot be extended. First Wisconsin Nat. Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 365, 274 N.W.2d 704 (1979). Although the deadline may be tolled as of the date a pro se prisoner places a document in the prison mail system, here, Olrich's filing is dated October 27, 2024—well outside the 30-day period. See State ex rel. Nichols v. Litscher, 2001 WI 119, ¶32, 247 Wis. 2d 1013, 635 N.W.2d 292.

To the extent that Olrich intended his November 4, 2024 filing to constitute a separate motion pursuant to Wis. Stat. § 974.06, this court lacks jurisdiction to adjudicate such a motion in the first instance, as a motion for postconviction relief must be filed in “the court which imposed the sentence[,]” and “is part of the original criminal action . . . [and] not a separate proceeding.” Wis. Stat. § 974.06(1), (2). Therefore,

IT IS ORDERED that Jason A. Olrich's November 4, 2024 filing, including all amendments and supplements, is dismissed, and all associated claims for relief are denied. Pursuant to Olrich's request, the original copies of the aforesaid documents filed in this court are being returned to him via mail.

Samuel A. Christensen
Clerk of Supreme Court