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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

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SUPREME COURT

January 31, 2025

To:

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Circuit Court Judge
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Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

Ryan P. O'Boyle 593381
Milwaukee Secure Detention Facility
P.O. Box 05911
Milwaukee, WI 53205-0911

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

No. 2024AP2322-W O'Boyle v. Hayes, L.C. #2023CV6584

Ryan P. O'Boyle has filed a pro se petition for supervisory writ pursuant to Wis. Stat. §§ 809.71 and 809.51 against Brian Hayes, Laura P. Sette, Jaclyn Alvarado, and the Division of Hearings and Appeals. The petition appears to concern an April 2023 order revoking Mr. Boyle's extended supervision following an administrative hearing. See State v. O'Boyle, Milwaukee County Circuit Case No. 2011CF3261. In May 2024, the circuit court denied Mr. O'Boyle's pro se motion for postconviction relief seeking to vacate the revocation order. See id. In September 2024, the circuit court denied Mr. O'Boyle's pro se motion to reconsider its May 2024 order. See id.

Meanwhile, in August 2023, Mr. O'Boyle petitioned the court for certiorari review of the revocation order, but the circuit court dismissed the petition on October 4, 2023, for untimeliness. See State of Wisconsin ex rel. Ryan P. O'Boyle v. Brian Hayes, Milwaukee County Case No. 2023CV6584. Mr. O'Boyle sent additional correspondence to the circuit court, which affirmed its dismissal with an order entered February 15, 2024. See id.

On August 16, 2024, Mr. O'Boyle filed a motion in the court of appeals for an extension of time to file a notice of intent to pursue postconviction relief "following the February 15, 2024

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order affirming dismissal of petition for writ of certiorari." See State of Wisconsin ex rel. Ryan P. O'Boyle v. Brian Hayes, Appeal No. 2024XX709. By order of August 19, 2024, the court of appeals denied the motion on the ground that Wis. Stat. Rule 809.30 did not apply to the matter. Id.

On November 12, 2024, Mr. O'Boyle filed the petition for supervisory writ at issue here. On December 11, 2024, Mr. O'Boyle filed a pro se "Motion for an Evidentiary Hearing on a Claim of Newly Discovered Evidence in the Matter of 120922-593381, regarding the Extended Supervision of Ryan O'Boyle."

Mr. O'Boyle's petition for supervisory writ does not comply with the following requirement in Wis. Stat. § (Rule) 809.71: "A person seeking a supervisory writ from the supreme court shall first file a petition for a supervisory writ in the court of appeals under s. 809.51 unless it is impractical to seek the writ in the court of appeals. A petition in the supreme court shall show why it was impractical to seek the writ in the court of appeals or, if a petition had been filed in the court of appeals, the disposition made and reasons given by the court of appeals." Accordingly,

IT IS ORDERED that the petition for supervisory writ is dismissed, ex parte, along with the accompanying motion. No costs.

Samuel A. Christensen
Clerk of Supreme Court