



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](http://www.wicourts.gov)

December 14, 2022

**To:**

Hon. Dale L. English  
Circuit Court Judge  
Fond du Lac County Courthouse  
Electronic Notice

Ramona Geib  
Clerk of Circuit Court  
Fond du Lac County Courthouse  
Electronic Notice

Kieran M. O'Day  
Assistant Attorney General  
Electronic Notice

Eric Toney  
District Attorney's Office  
Electronic Notice

\*Address list continued on Page 2.

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

---

Nos. **2022AP1568-W**      Elworth v. Department of Corrections, L.C. #2019CF380  
2021AP903-CR      State v. Elworth, L.C. #2019CF380

A petition for writ of habeas corpus having been filed on behalf of petitioner, Cyrus A. Elworth, and considered by this court, together with the petition for review filed on August 29, 2022;

IT IS ORDERED that the petition for writ of habeas corpus is granted, ex parte;

IT IS FURTHER ORDERED that the relief requested in the habeas petition, that the petition for review filed in State v. Elworth, No. 2021AP903, be reinstated and deemed timely-filed, is granted. See State ex rel. Nichols v. Litscher, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292; State ex rel. Schmelzer v. Murphy, 201 Wis. 2d 246, 548 N.W.2d 45 (1996).

IT IS FURTHER ORDERED that the petition for review is denied, without costs.

---

Sheila T. Reiff  
Clerk of Supreme Court

Page 2

December 14, 2022

Nos. 2022AP1568-W

2021AP903-CR

Elworth v. Department of Corrections, L.C. #2019CF380State v. Elworth, L.C. #2019CF380Address list continued:

Thomas Brady Aquino  
Joseph N. Ehmann  
Assistant State Public Defender  
Electronic Notice

Winn S. Collins  
Assistant Attorney General  
Electronic Notice

Matthew O. Foley  
Department of Corrections  
P.O. Box 7925  
Madison, WI 53707



This document is a true and correct copy of the document on file in my office.

A handwritten signature in blue ink, appearing to read "Alicia Saf", is written over a horizontal line.

Clerk of Supreme Court/Court of Appeals, State of Wisconsin

12-15-2022

Date