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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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05-13-2025
CLERK OF WISCONSIN
SUPREME COURT

May 13, 2025

To:

Hon. Sandra J. Giernoth
Circuit Court Judge
Electronic Notice

Anne Christenson Murphy
Electronic Notice

Connie Mueller
Clerk of Circuit Court
Ozaukee County Justice Center
Electronic Notice

Howard E. Leventhal 174956
Ozaukee County Jail
1201 S. Spring Street
Port Washington, WI 53704

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

No. 2024AP95-CR

State v. Leventhal, L.C.# 2021CF16

On May 6, 2025, pro se appellant, Howard E. Leventhal, filed a document titled "Motion to Extend Time for Filing Petition for Review." In his motion, Mr. Leventhal asserts that he never received a copy of the court of appeals' January 15, 2025 opinion and order that summarily affirmed a judgment entered following the revocation of his probation. We note that, although Mr. Leventhal informed the clerk of court by letter filed July 3, 2024, that he had been transferred to the Ozaukee County Jail, the court of appeals' January 15, 2025 opinion and order was mailed to Mr. Leventhal's previous address at the Dodge Correctional Institution. The record also shows that this misaddressed copy of the court of appeals' January 15, 2025 opinion and order was returned to the clerk of court by the U.S. Postal Service, with the notation "Return to Sender, Attempted - Not Known, Unable to Forward."

IT IS ORDERED that Mr. Leventhal's motion shall be construed as a petition for writ of habeas corpus. See State ex rel. Fuentes v. Wisconsin Ct. of Appeals, Dist. IV, 225 Wis. 2d 446, 593 N.W.2d 48 (1999).

IT FURTHER IS ORDERED that the petition for writ of habeas corpus is granted, ex parte, and that as relief, Mr. Leventhal may file a petition for review of the court of appeals' January 15, 2025 opinion and order within 30 days of the date of this order.

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IT IS FURTHER ORDERED that the clerk of this court shall include a copy of the court of appeals' January 15, 2025 opinion and order with Mr. Leventhal's copy of this order.

IT IS FURTHER ORDERED that the February 26, 2025 remittitur order is vacated. Because the electronic record is still available to this court, the clerk of the circuit court is not required to transmit the record to this court.

IT IS FURTHER ORDERED that, to the extent Mr. Leventhal seeks relief in another matter, Mr. Leventhal must request relief by filing an appropriate motion in that matter.

Samuel A. Christensen
Clerk of Supreme Court