



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT I**

October 4, 2022

To:

Hon. Stephanie Rothstein  
Circuit Court Judge  
Electronic Notice

Nicholas DeSantis  
Electronic Notice

George Christenson  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Tony Powell Jr. 581634  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

---

2022AP149-CR

State of Wisconsin v. Tony Powell, Jr. (L.C. # 2017CF3678)

Before Brash, C.J., Donald, P.J., and Dugan, J.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Tony Powell, Jr., *pro se*, appeals the circuit court's order denying his motion to waive the Milwaukee County Circuit Court rule with regard to page limitations. He also appeals the circuit court's order denying his motion for reconsideration. Powell argues that the circuit court violated his constitutional rights. We conclude that this appeal is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2019-20).<sup>1</sup> Upon review, we affirm.

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

Powell submitted a thirty-nine page single-spaced handwritten motion to the circuit court seeking postconviction relief pursuant to WIS. STAT. § 974.06. The motion was returned to Powell, accompanied by a letter explaining that the motion would not be processed because Milwaukee County Circuit Court Rule 4.17 limits the length of postconviction motions to twenty double-spaced pages. Thereafter, Powell resubmitted the original motion with a request that the circuit court waive the rule. The circuit court denied the motion. Powell moved for reconsideration, which the circuit court also denied.

Powell argues that the circuit court violated his rights under the Wisconsin and United States Constitutions by not allowing him to file his thirty-nine page motion. He contends that WIS. STAT. § 974.06 does not specify a page limitation, and therefore he has a constitutional right to file his motion.

We reject this argument. The circuit court has statutory authority to adopt rules governing practice in the circuit court. WIS. STAT. § 753.35(1). The circuit court also has “the authority ... to adopt and apply local rules *based upon the courts’ inherent power* to control the disposition of cases before them.” *David Christensen Trucking & Excavating, Inc. v. Mehdian*, 2006 WI App 254, ¶8, 297 Wis. 2d 765, 726 N.W.2d 689 (emphasis added). The Milwaukee County Circuit Court adopted Local Rule 4.17B, which provides that postconviction motions “shall not exceed 20 double spaced pages in length.” Milwaukee Cnty. Cir. Ct. R. 4.17B. Because Powell has the right to be heard as long as his written argument complies with the parameters of the local rule, Powell’s constitutional rights have not been violated by the page limitation. Therefore, we conclude that the circuit court properly denied Powell’s motions.

IT IS ORDERED that the orders of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

---

*Sheila T. Reiff*  
*Clerk of Court of Appeals*