



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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January 8, 2001

RECEIVED

JAN 08 2001

CLERK OF SUPREME COURT
OF WISCONSIN

Cornelia G. Clark
Clerk, Wisconsin Supreme Court
110 East Main Street, Rm. 215
Madison, Wisconsin 53701-1688

Re: **State v. Lawrence P. Peters, Jr.**
Case No. 99-1940-CR

Dear Ms. Clark:

Enclosed for filing in the above matter are original and eight copies of plaintiff-respondent's Motion for Briefing Extension. A copy of this motion has been served by mail today on counsel for defendant-appellant-petitioner.

Sincerely,

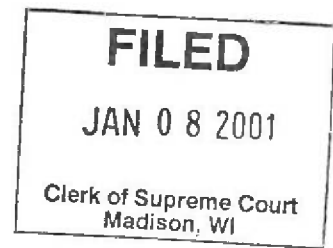
William L. Gansner
Assistant Attorney General

WLG:km

c: Jane Krueger Smith
Counsel for Defendant-Appellant-Petitioner

Enclosure

STATE OF WISCONSIN
IN SUPREME COURT



No. 99-1940-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

LAWRENCE P. PETERS, JR.,

Defendant-Appellant-Petitioner.

MOTION FOR BRIEFING EXTENSION

The State of Wisconsin, plaintiff-respondent, by undersigned counsel, hereby moves this court for a twenty-one-day extension of the deadline for service and filing of its brief in this case, extending its due date from January 8, 2001, to January 29, 2001. The reasons for this motion are as follows:

1. On November 15, 2000, this court granted Mr. Peters' petition for review and established a schedule for the parties' submission of briefs. Pursuant to that schedule, defendant-appellant-petitioner Peters was

to file his brief within thirty days of the court's order; plaintiff-respondent State of Wisconsin was to file its brief within twenty days thereafter; and Peters was to file a reply brief within ten days thereafter.

2. Peters' opening brief was served upon the State by mail on December 14, 2000. Thus, the due date for service and filing of the State's responsive brief is today, January 8, 2001.

3. As counsel for the State of Wisconsin in this case, I have been unable to complete the State's brief by today's deadline.

4. As a result of a heavy caseload, I have been necessarily involved since December 14, 2000, in work on a number of other cases with earlier deadlines, work that has prevented my completion of the State's brief in this case. This other work has included the following:

(1) the State's brief in *State v. Harris*, Case Nos. 00-2380 & 00-2381 (Wis. Ct. App. Dist. I), filed on twice-extended due date of December 22, 2000;

(2) the State's motion to dismiss a federal habeas corpus petition in *Luedtke v. Thompson*, Case No. 00-C-622-C (W.D. Wis.), filed December 22, 2000;

(3) the State's response to a petition for review in *State v. Purifoy*, Case No. 99-3285 (Wis. S. Ct), filed December 22, 2000;

(4) the State's response to a petition for bypass in *State ex rel. Conley v. Smith*, No. 00-1388 (Wis. S. Ct.), filed January 4, 2001;

(5) the State's brief in opposition to a federal habeas corpus petition in *Evers v. Buchler*, Case No. 94-C-285 (E.D. Wis.), filed on extension on January 5, 2001;

(6) the State's response to a petition for review in *State v. Fiel*, Case Nos. 99-2375-CR & 99-2376-CR (Wis. S. Ct), filed January 5, 2001; and

(7) the State's response to a petition for review in *State v. Sadikoff*, Case No. 99-3324 (Wis. S. Ct), filed January 5, 2001.

5. Furthermore, the time available to me for working on this case was shortened by the intervening Christmas and New Year's holidays. I also note that there was a three-day period during the past twenty days during which I was unable to perform work as a result of the illness, emergency treatment, and hospitalization of one of my children.

6. In addition, I note that the Criminal Appeals Unit of the Department of Justice, of which I am a member, has been handicapped by a continuing secretarial shortage, by delay in filling a new vacancy, and by the addition of two new and relatively inexperienced secretaries to fill prior vacancies. And the number of attorneys within the unit was reduced by the recent departure of one of its most experienced attorneys due to his appointment to a judicial post. These circumstances have inevitably increased the time necessary for completion of assigned work within the unit.

For these reasons, the State submits that good cause exists for granting its request for a briefing extension in this case. The State

respectfully requests that its time for service and filing of its brief in this case be extended by twenty-one days, from January 8, 2001, to January 29, 2001.

Dated at Madison, Wisconsin, this 8th day of January, 2001.

Respectfully submitted,

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