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SUPREME COURT

February 22, 2024

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Circuit Court Judge
Electronic Notice

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

No. 2024AP325-W

K.H. v. Circuit Court for Manitowoc County, L.C.#2019JC133

On February 21, 2024, K.H., through her counsel, Attorney Timothy A. Provis, filed a Petition for Supervisory Writ, Motion for Emergency Stay, and supporting documents. The filing asks this court: (1) to vacate a contempt order entered against K.H. on December 21, 2023, following a show-cause hearing held in a child in need of protective services proceeding; and (2) to grant an emergency stay of the contempt order in advance of a scheduled February 23, 2024 hearing at which, according to the filing, the circuit court will consider whether K.H. has purged the contempt so as to avoid a jail sanction.

We note that K.H. previously sought mandamus relief in the court of appeals. See K.H. v. Circuit Court for Manitowoc County, No. 2024AP139-W. In a February 21, 2024 opinion and

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order, the court of appeals denied relief on the ground that, following the circuit court's issuance of the order of contempt against her, K.H. had failed to timely file a notice of intent to pursue relief under Wis. Stat. § (Rule) 809.30(2)(b), and her "failure to properly file an appeal does not transform a writ of mandamus into a vehicle for obtaining review of otherwise appealable matters."

We deny the petition and stay motion, ex parte. A petition for supervisory writ is not a substitute for an appeal and will not be granted unless an appeal is an inadequate remedy. State ex rel. Kalal v. Cir. Ct. for Dane Cnty., 2004 WI 58, ¶17, 271 Wis. 2d 633, 681 N.W.2d 110. Upon its own motion or upon good cause shown by motion, the court of appeals may extend the time for taking various steps in pursuing postconviction relief under Wis. Stat. § (Rule) 809.30—including the time for filing of a notice of intent to pursue relief. See Wis. Stat. § (Rule) 809.82; State v. Harris, 149 Wis. 2d 943, 946, 440 N.W.2d 364 (1989). The court of appeals routinely exercises this authority. In addition, the appellate rules provide K.H. with the ability to seek relief pending appeal. See Wis. Stat. § (Rule) 809.12. In light of these potential appellate remedies, K.H. has failed to show that she has no adequate remedy by appeal, and therefore,

IT IS ORDERED that the petition and accompanying motion are denied, ex parte; and

IT IS FURTHER ORDERED that, within 14 calendar days of the date of this order, counsel for K.H. shall file a redacted version of her February 21, 2024 filing, with all confidential information protected by statute redacted. The unredacted version of K.H.'s February 21, 2024 filing will remain under seal on the docket.

Samuel A. Christensen
Clerk of Supreme Court