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**Supreme Court of Wisconsin**

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**SUPREME COURT**

June 17, 2024

**To:**

Hon. Stephen E. Ehlke  
Circuit Court Judge  
Electronic Notice

Jeff Okazaki  
Clerk of Circuit Court  
Dane County Courthouse  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

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

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No. 2024AP252-W      Thomas v. Eplett, L.C.#2013CF2326

On July 27, 2023, the court of appeals issued a decision summarily affirming an order denying the postconviction motion that Adore A. Thomas filed pursuant to Wis. Stat. § 974.06. See State v. Thomas, No., 2020AP1801, unpublished order (Wis. Ct. App. Jul. 27, 2023). Mr. Thomas filed his § 974.06 motion pro se but was represented by counsel on appeal. The 30-day period in which to file a petition for review of this decision has passed. See Wis. Stat. §§ 808.10 and 809.62(1m).

On February 12, 2024, Mr. Thomas filed what this court construed to be a pro se petition for writ of habeas corpus, asking this court to allow the late filing of a petition for review because his appellate lawyer rendered ineffective assistance by, among other things, failing to timely forward him a copy of the appellate decision.

By order of February 28, 2024, this court ordered Mr. Thomas' appellate counsel, Attorney Reed Cornia, to file a response to Mr. Thomas' allegations within 30 days of the order. On April 12, 2024, this court received Attorney Cornia's response.

The court having considered all of the foregoing,

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IT IS ORDERED that the petition is denied. There is no constitutional or statutory right to counsel in a Wis. Stat. § 974.06 proceeding. See State ex rel. Warren v. Schwarz, 219 Wis. 2d 615, 648-49, 579 N.W.2d 698 (1998) (no constitutional right to assistance of counsel exists in a § 974.06 proceeding; appointment of counsel pursuant to § 974.06(3)(b) is discretionary). Mr. Thomas may not maintain an ineffective assistance claim in a proceeding in which he was not entitled to representation. See Coleman v. Thompson, 501 U.S. 722, 752–53 (1991).

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Samuel A. Christensen  
Clerk of Supreme Court