



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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December 21, 2023

Mr. Scott S. Harris, Clerk
United States Supreme Court
One First Street, NE
Washington, D.C. 20543

Re: *Jerry S. Wilson v. Dan Cromwell*,¹ Warden
No. 23-5970
Pending Petition for a Writ of Certiorari

Dear Mr. Harris:

Pursuant to Rule 30.4, Michael G. Gierach, warden of the Redgranite Correctional Institution and thus successor Respondent in this proceeding, respectfully requests an extension of 30 days in which to file a brief in opposition to the above-referenced petition. By this Court's December 4, 2023 order, Respondent's brief is presently due January 3, 2024. Granting this extension would make the brief due February 2, 2024.

The attorney assigned to this case is Jacob J. Wittwer. Mr. Wittwer is the only assistant attorney general assigned to this case.

In addition to his ongoing case management obligations in numerous other cases, Mr. Wittwer is assigned to several other matters recently filed or due on extension this month and next month. These include the response brief in *State v. Judon*, No. 2022AP287, filed in the Wisconsin Court of Appeals December 15, 2023; the answer opposing a petition for writ of habeas corpus in *Reynosa v. Gierach*, 22-

¹ Undersigned counsel moves to substitute Michael G. Gierach as the named Respondent. Mr. Gierach succeeded Mr. Cromwell as the warden of Redgranite Correctional Institution, the facility to which Petitioner Wilson is confined.

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CV-1556, filed in the United States District Court for the Eastern District of Wisconsin December 20, 2023; the response brief in *State v. Dixon*, No. 2023AP1388-CR and 2023AP1389-CR, due in the Wisconsin Court of Appeals December 26, 2023; an answer or dispositive motion opposing a petition for writ of habeas corpus in *Raymond Jones v. Cheryl Eplett*, No. 21-CV-294, due in the United States District Court for the Western District of Wisconsin; reply brief in *State v. Myles*, No. 2023AP443-CR, due in the Wisconsin Court of Appeals December 27, 2023; response brief in *State v. Goines*, No. 2023AP1297-CR, due in the Wisconsin Court of Appeals January 2, 2024; response brief in *State v. Banks*, No. 2023AP979-CR, due in the Wisconsin Court of Appeals January 2, 2024; and the response brief in *State v. Angel Reyes Mendez*, No. 2023AP1216-CR, due in the Wisconsin Court of Appeals January 11, 2024.

Mr. Wittwer will also be out of the office for the holidays on a scheduled vacation with family from December 25, 2023, to January 1, 2024. Counsel for Petitioner Wilson obtained an extension of 60 days to prepare and file the Petition for a Writ of Certiorari.

Therefore, Respondent Gierach requests an extension of time in which to file his brief in opposition to ensure that the attorney assigned to the case has time to provide the Court with a thorough and responsive brief.

Counsel for Respondent contacted counsel of record for Petitioner, Andrew LeGrand, who does not oppose the proposed extension.

I have, electronically and via first-class mail, served a copy of this letter on Petitioner's counsel of record, and hereby certify that all parties required to be served have been served.

Sincerely,



Michael C. Sanders
Assistant Attorney General
Wisconsin State Bar #1030550

MCS:JJW:jl