

SUPREME COURT OF WISCONSIN

CASE No.: 2003AP2097-CR

COMPLETE TITLE:

State of Wisconsin,
Plaintiff-Respondent-Petitioner,
v.
Peter A. Fonte,
Defendant-Appellant.

MOTION FOR RECONSIDERATION

2005 WI 77

Reported at: 281 Wis. 2d 654, 698 N.W.2d 594

OPINION FILED: October 21, 2005

SUBMITTED ON BRIEFS:

ORAL ARGUMENT:

SOURCE OF APPEAL:

COURT:

COUNTY:

JUDGE:

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING: CROOKS, J., did not participate.

ATTORNEYS:

NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 2003AP2097-CR
(L.C. No. 2001CF306)

STATE OF WISCONSIN

:

IN SUPREME COURT

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FILED

OCT 21, 2005

Cornelia G. Clark
Clerk of Supreme Court

MOTION for reconsideration. *Reconsideration denied.*

¶1 PER CURIAM. The defendant, Peter A. Fonte, moves the court to withdraw and reconsider its opinion in State v. Fonte, 2005 WI 77, 281 Wis. 2d 654, 698 N.W.2d 594. Fonte contends that the court (1) made a factual error in footnote nine of its opinion; (2) should further address the court of appeals' rationale for granting relief in favor of Fonte; and (3) should "reconsider its conclusion that evidence of Fonte's aliases did not harm his defense because the nature of his crime was accidental rather than intentional."

¶2 To clarify the opinion, we modify ¶29, footnote 9, to read as follows:

⁹ The jury heard expert testimony that Fonte had a blood alcohol level at the time of the accident of at least 0.122.

¶3 The motion for reconsideration is denied without costs.

¶4 N. PATRICK CROOKS, J., did not participate.

