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DISTRICT I

September 12, 2023

To:

Hon. Glenn H. Yamahiro
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Winn S. Collins
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Marcella De Peters
Electronic Notice

Edgar I. Carmona 708147
Fox Lake Correctional Inst.
P.O. Box 200
Fox Lake, WI 53933-0200

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

2023AP271-CRNM State of Wisconsin v. Edgar I. Carmona (L.C. # 2021CF4270)

Before Donald, P.J., Dugan and Geenen, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

By order dated August 30, 2023, this court directed Attorney Marcella De Peters, appellate counsel for Edgar I. Carmona, to file a supplemental no-merit report in this matter. Attorney De Peters now requests voluntary dismissal of the no-merit appeal and an extension of appellate deadlines to permit the filing of a postconviction motion under WIS. STAT. RULE 809.30(2)(h) (2021-22).¹ A no-merit appeal is appropriate only if counsel is convinced that

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

further postconviction proceedings would be wholly frivolous. *See McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant relief. To accommodate this court's procedures at remittitur, the court will grant an extension slightly longer than requested.

IT IS ORDERED that the no-merit report is rejected and this appeal is dismissed without prejudice. *See* WIS. STAT. RULE 809.18(1).

IT IS FURTHER ORDERED that the deadline for Carmona to file a postconviction motion or notice of appeal pursuant to WIS. STAT. RULE 809.30 is extended through October 27, 2023. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals