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**DISTRICT IV**

May 9, 2024

To:

Hon. Richard A. Radcliffe  
Circuit Court Judge  
Electronic Notice

Laura Endres  
Clerk of Circuit Court  
Monroe County Courthouse  
Electronic Notice

Erica L. Bauer  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

James Donald Richmond 105837  
Prairie Du Chien Correctional Inst.  
P.O. Box 9900  
Prairie du Chien, WI 53821

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

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2023AP794-CRNM      State of Wisconsin v. James Donald Richmond  
(L.C. # 2019CF207)

Before Kloppenburg, P.J., Blanchard, and Graham, 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).**

Attorney Erica Bauer, appointed counsel for James Richmond, previously filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). In an order dated March 26, 2024, this court requested additional input from counsel, after consultation with Richmond, regarding whether there is any non-

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

frivolous issue relating to Richmond's prior offenses.<sup>2</sup> Counsel has now responded to this court's order with a motion to voluntarily dismiss this no-merit appeal and reinstate and extend the time to file a postconviction motion. Counsel states that she has now concluded that an issue of merit exists that she overlooked previously. Accordingly, we reject the no-merit report, dismiss this no-merit appeal, and conclude that there is good cause to reinstate and extend the time to file a postconviction motion.

Therefore,

IT IS ORDERED that the no-merit report is rejected and that this appeal is dismissed.

IT IS FURTHER ORDERED that the time to file a postconviction motion is reinstated and extended to forty days from the date of this order.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*

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<sup>2</sup> Richmond was convicted of operating a motor vehicle while intoxicated as a tenth or subsequent offense.