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DISTRICT IV

October 3, 2024

To:

Hon. Ellen K. Berz
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Jennifer Lohr
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Michael A. Smith
Dane County Job Center
1819 Aberg Avenue
Madison, WI 53704

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

2022AP533-CRNM State of Wisconsin v. Michael A. Smith (L.C. # 2020CF2512)

Before Kloppenburg, P.J., Graham, and Taylor, 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 Jennifer Lohr, appointed counsel for appellant Michael Smith, has filed a no-merit report seeking to withdraw as appellate counsel. By prior order, this court questioned whether there would be arguable merit to a postconviction motion challenging a condition of Smith's extended supervision restricting his access to the internet. This court directed no-merit counsel to review the issue and to either: (1) inform this court if she determined that the issue has arguable merit, in which case this court would dismiss this no-merit appeal and extend the time

for counsel to file a postconviction motion in the circuit court; or (2) explain her conclusion in a supplemental no-merit report if she determined that this issue lacks arguable merit.

Counsel has now filed a response stating that she has reviewed the issue and consulted with Smith, and that Smith wishes to voluntarily dismiss this no-merit appeal to pursue the issue identified by this court by postconviction motion. Based on counsel's response, we will reject the no-merit report, dismiss the appeal, and extend the time for counsel to file a postconviction motion.

Therefore,

IT IS ORDERED that the no-merit report is rejected and the no-merit appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the time to file a postconviction motion or notice of appeal is extended to sixty days from the date of this order.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals