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**DISTRICT II**

August 16, 2013

To:

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Fond du Lac County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2013AP999-CRNM	State of Wisconsin v. Luis A. Rivera (L.C. #2011CF469)
2013AP1000-CRNM	State of Wisconsin v. Luis A. Rivera (L.C. # 2012CF147)

Before Brown, C.J., Reilly, and Gundrum, JJ.

Luis Rivera appeals from judgments of conviction for theft from a person, robbery with threat of force, and retail theft as a party to the crime, and from an order denying his postconviction motion to be declared eligible for the earned release and challenge incarceration programs. His appointed appellate counsel, Attorney Timothy O'Connell, filed a no-merit report under WIS. STAT. RULE 809.32 (2011-12).<sup>1</sup> A July 23, 2013 order required Attorney O'Connell

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

to file a supplemental no-merit report addressing whether there was arguable merit to Rivera's claim that his plea was not knowingly and voluntarily entered. In response Attorney O'Connell moves for dismissal of the appeal so he may file an additional postconviction motion. Consequently, the no-merit report is rejected and the appeal is dismissed with an extension of time for filing a postconviction motion.

Upon the foregoing reasons,

IT IS ORDERED that the no-merit report is rejected and Attorney Timothy O'Connell's motion to be relieved of further representation of Luis Rivera is denied.

IT IS FURTHER ORDERED that these no-merit appeals are dismissed without prejudice.

IT IS FURTHER ORDERED that the time for filing a postconviction motion under WIS. STAT. RULE 809.30(2)(h) is extended to September 16, 2013. *See* WIS. STAT. RULE 809.82(2)(a).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*