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DISTRICT I/II

September 17, 2013

To:

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

2012AP2635-CRNM	State of Wisconsin v. Andreja Dragisich (L.C. # 2011CF353)
2012AP2636-CRNM	State of Wisconsin v. Andreja Dragisich (L.C. #2011CF2517)

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

Our August 6, 2013 order noted the existence of an issue with arguable merit relating to the entry of the appellant's guilty pleas, and we directed appellate counsel to investigate, consult with the appellant and respond to this court. Appellate counsel advises that Andreja Dragisich wants to file a circuit court motion to withdraw his guilty pleas. Therefore, we reject the Wis.

STAT. RULE 809.32 (2011-12)¹ no-merit report, dismiss this appeal and reinstate the time for filing a WIS. STAT. RULE 809.30 postconviction motion.

Appointed appellate counsel construes Dragisich's response to the August 6 order as his cue to withdraw from the representation. There is no indication before this court that Dragisich has asked counsel to withdraw.² Therefore, counsel's motion to withdraw is denied. If counsel seeks to withdraw, he may move the circuit court for such relief under WIS. STAT. RULE 809.30(4) once WIS. STAT. RULE 809.26 remittitur to the circuit court occurs.

Upon the foregoing reasons,

IT IS ORDERED that the WIS. STAT. RULE 809.32 no-merit report is rejected.

IT IS FURTHER ORDERED that this appeal is dismissed in favor of a WIS. STAT. RULE 809.30 postconviction motion.

IT IS FURTHER ORDERED that a WIS. STAT. RULE 809.30 postconviction motion shall be filed within sixty days of remittitur to the circuit court.

IT IS FURTHER ORDERED that appellate counsel's motion to withdraw is denied.

Diane M. Fremgen
Clerk of Court of Appeals

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

² It appears that appellate counsel has misread Dragisich's August 23, 2013 letter. Dragisich chose option three from this court's August 6 order: dismiss this appeal and file a WIS. STAT. RULE 809.30 postconviction motion.