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DISTRICT I

September 26, 2013

To:

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Circuit Court Judge
Milwaukee County Courthouse, # 401
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You are hereby notified that the Court has entered the following opinion and order:

2013AP867-CRNM State of Wisconsin v. Brion A. Nash (L.C. #2012CF321)

Before Curley, P.J.

By order dated August 23, 2013, this court directed Attorney Randall E. Paulson to file a supplemental no-merit report on behalf of Brion A. Nash. The court, upon its independent review of the record, had identified a potential issue of arguable merit relating to the restitution award. Counsel has discussed the issue with Nash, who wishes to pursue it, and counsel agrees that the issue has arguable merit. Counsel now moves to dismiss the appeal and seeks an extension of time for filing a postconviction motion in order to address the potential issue.

Upon the foregoing,

IT IS ORDERED that the no-merit report in appeal No. 2013AP867-CRNM is rejected and the appeal is dismissed without prejudice. *See McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988).

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal in Milwaukee County Circuit Court case No. 2012CF321 is extended to November 25, 2013.

Diane M. Fremgen
Clerk of Court of Appeals