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**DISTRICT I**

October 8, 2013

To:

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Circuit Court Judge  
Branch 40  
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You are hereby notified that the Court has entered the following opinion and order:

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2013AP1055-CRNM      State of Wisconsin v. Brandy L. Allen (L.C. # 2011CF6153)

Before Curley, P.J.

By order dated September 24, 2013, this court directed Attorney Thomas K. Voss, appellate counsel for Brandy L. Allen, to file a supplemental no-merit report regarding sentencing in this matter. Counsel has responded, advising he now wishes to file a postconviction motion. Counsel therefore seeks voluntary dismissal of the no-merit appeal and an extension of the deadline for seeking postconviction relief in the circuit court. A no-merit proceeding is appropriate only if counsel is convinced that an appeal would be wholly frivolous. *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant the motion.

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

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal is extended through November 22, 2013. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

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*Diane M. Fremgen*  
Clerk of Court of Appeals