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DISTRICT II

January 24, 2014

To:

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Circuit Court Judge
Winnebago County Courthouse
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Oshkosh, WI 54903-2808

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

2012AP2554-CRNM State of Wisconsin v. Leslie B. Falls (L.C. #2010CF313)

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

Leslie B. Falls, by Attorney Erica L. Bauer, appealed from an amended judgment convicting him upon his no-contest plea of burglary while armed, contrary to WIS. STAT. § 943.10(2) (2011-12),¹ as party to a crime (PTAC) and as a repeater. Attorney Bauer previously filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). On December 19, 2013, this court issued an order stating that it could not conclude

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

that a challenge to Falls's no-contest plea would lack arguable merit.² We directed Attorney Bauer to evaluate the matter and discuss with Falls the prospect of filing a postconviction motion to withdraw his no-contest plea. We stated that if, after consultation with counsel, Falls wanted to file a postconviction motion, counsel should file a supplemental report or affidavit so stating.

On January 21, 2014, Attorney Bauer filed an affidavit indicating that she has discussed the potential no-merit plea challenge with Falls and that Falls stated that he wants to file a postconviction motion. Based on this discussion, counsel requests that the no-merit report be rejected, that Falls's postconviction rights under WIS. STAT. RULE 809.30 be reinstated, and that the time for filing a postconviction motion be extended. Therefore,

IT IS ORDERED that the no-merit report is rejected and Attorney Erica L. Bauer's motion to be relieved of further representation of Falls is denied.

IT IS FURTHER ORDERED that this no-merit appeal is 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 thirty days from the date of this order. *See* WIS. STAT. RULE 809.82(2)(a). Attorney Bauer shall file a postconviction motion on Falls's behalf by thirty days from the date of this order.

Diane M. Fremgen
Clerk of Court of Appeals

² Our reasons supporting that conclusion were detailed in the December 19, 2013 order and will not be repeated here.