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**WISCONSIN COURT OF APPEALS**

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**DISTRICT I**

February 28, 2014

To:

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Circuit Court Judge  
Milwaukee County Courthouse  
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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:

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2013AP1193-CRNM      State of Wisconsin v. Omega Charles Merchant  
(L.C. #2011CF3604)

Before Curley, P.J.

By order dated February 5, 2014, this court directed Attorney Kaitlin A. Lamb, appellate counsel for Omega Charles Merchant, to file a supplemental no-merit report regarding the admission of certain evidence during the trial of this matter. Counsel has responded, advising she 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 April 28, 2014. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

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