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DISTRICT II

March 19, 2014

To:

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Circuit Court Judge
Waukesha County Courthouse
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Waukesha, WI 53188

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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:

2013AP1172-CRNM State of Wisconsin v. Andrew A. MacGillis (L.C. #2011CF503)

Before Brown, C.J., Neubauer, P.J., and Reilly, J.

Andrew A. MacGillis's appointed appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967), and MacGillis filed a response. This court identified an issue of arguable merit and, on February 20, 2014, rejected the report. We directed counsel to confer with MacGillis as to whether he desired to pursue further

circuit court relief or to prosecute this appeal without doing so, and to advise this court of MacGillis's intentions. Counsel has done so and has filed a responsive report as directed.

Counsel advises that MacGillis directed him to request permission to withdraw as counsel if the State Public Defender's Office (SPD) will appoint new counsel and to request an enlargement of time within which MacGillis and new counsel can decide how best to proceed. Counsel also advises that he has reviewed the matter with the Attorney Manager of the Madison SPD Appellate Division, who informed him that the SPD will appoint new counsel if this court grants the motion to withdraw, and that the SPD specifically requested that the time to seek relief be enlarged to sixty days from the date new appellate counsel is appointed. This court concludes that good cause has been shown for the relief requested. Therefore,

IT IS ORDERED that the motion of Attorney James B. Duquette to withdraw as counsel of record for Andrew A. MacGillis is granted. *See* WIS. STAT. RULE 809.85.

IT IS FURTHER ORDERED that the appeal is dismissed.

IT IS FURTHER ORDERED that within twenty-one days of the date of this order the State Public Defender shall give notice of the appointment of successor counsel.

IT IS FURTHER ORDERED that the time under WIS. STAT RULE 809.30 to file a postconviction motion or notice of appeal, or the time to file a no-merit notice of appeal under WIS. STAT RULE 809.32, is extended to sixty days after the appointment of successor counsel.

Diane M. Fremgen
Clerk of Court of Appeals