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DISTRICT I

June 3, 2014

To:

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

2013AP1746-CRNM State of Wisconsin v. Joeddie Smith (L.C. #2012CF1692)

Before Curley, P.J.

By order dated May 1, 2014, this court directed Attorney Carl W. Chesshir, appellate counsel for Joeddie Smith, to file a supplemental no-merit report regarding two matters. Counsel now advises that, in his view, the matters raise arguably meritorious bases for further postconviction proceedings. 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 August 1, 2014. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals