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DISTRICT I

June 9, 2014

To:

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

2014AP3-CRNM

State of Wisconsin v. Thomas Steven Welz (L.C. #2011CF4997)

Before Curley, P.J.

By order dated May 6, 2014, this court directed Attorney Russell D. Bohach, appellate counsel for Thomas Steven Welz, to file a supplemental no-merit report in this matter. Attorney Bohach now indicates that, in his view, the case may present an arguably meritorious issue. Counsel therefore seeks voluntary dismissal of the no-merit appeal and an extension of the deadline for pursuing 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 July 24, 2014. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals