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DISTRICT IV

January 20, 2015

To:

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

2013AP2340-CRNM State of Wisconsin v. Max J. Winkel (L.C. # 2011CF172)

Before Lundsten, Higginbotham and Kloppenburg, JJ.

Counsel for appellant Max Winkel informs us that he has researched issues raised in Winkel's no-merit responses and has determined there are issues to pursue in a postconviction motion. Counsel moves to dismiss this appeal and extend the time to file a postconviction motion. Counsel informs us that he has now filed a postconviction motion in the circuit court.

Therefore,

IT IS ORDERED that the no-merit report is rejected.

IT IS FURTHER ORDERED that this appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the postconviction motion already filed in the circuit court shall be deemed timely filed as of the date of this order.

Diane M. Fremgen
Clerk of Court of Appeals