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DISTRICT I

January 23, 2015

To:

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Circuit Court Judge
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Milwaukee, WI 53233

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Clerk of Circuit Court
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You are hereby notified that the Court has entered the following order:

2014AP2253-CRNM State of Wisconsin v. Angelica D. Belen (L.C. #2013CF1798)

Before Curley, P.J.

By order dated January 9, 2015, this court directed Attorney Colleen Marion, appellate counsel for Angelica D. Belen, to file a supplemental no-merit report in this matter. Attorney Marion now advises that, in her view, the no-merit appeal should be dismissed to permit Belen to file a postconviction motion. 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.

Attorney Marion advises that the state public defender will appoint successor counsel in this matter, and she seeks sufficient time for successor counsel to prepare and file a postconviction motion. That request will also be granted.

IT IS ORDERED that the no-merit report is rejected and this appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that this matter is referred to the Office of the State Public Defender to permit the appointment of new counsel, any such appointment to be made within forty-five days.

IT IS FURTHER ORDERED that the Office of the State Public Defender shall notify this court when new counsel is appointed or when it concludes that no change in counsel will be made.

IT IS FURTHER ORDERED that counsel for Belen shall file a postconviction motion or notice of appeal within sixty days of either the date on which new counsel is appointed or the date on which the public defender's office advises this court that new counsel will not be appointed, whichever is applicable. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals