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DISTRICT I

May 14, 2015

To:

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

2015AP107-CRNM State of Wisconsin v. Deangelis J. Mack (L.C. #2012CF4452)

Before Kessler, J.

By order dated April 21, 2015, this court directed Attorney Carl W. Chesshir, appellate counsel for Deangelis J. Mack, to file a supplemental no-merit report in this matter. Attorney Chesshir now advises that, in his view, the no-merit appeal should be dismissed to permit Mack 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.

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 13, 2015. *See* WIS. STAT. RULE 809.82(2)(a) (2013-14).

Diane M. Fremgen
Clerk of Court of Appeals