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DISTRICT II

May 21, 2015

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

| | |
|-----------------|---|
| 2014AP1626-CRNM | State of Wisconsin v. Alan A. Tolstyga (L.C. # 2012CF252) |
| 2014AP1627-CRNM | State of Wisconsin v. Alan A. Tolstyga (L.C. # 2012CM349) |

Before Neubauer, P.J., Reilly and Gundrum, JJ.

In these consolidated appeals, Alan Tolstyga appeals from judgments convicting him of armed robbery as a repeat offender contrary to WIS. STAT. § 943.32(2) (2011-12)¹ and disorderly conduct while armed and as a repeat offender contrary to WIS. STAT. § 947.01(1). Tolstyga's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). After considering the no-merit report and conducting an

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

independent review of the record as mandated by *Anders* and RULE 809.32, we directed appellate counsel to investigate and consult with Tolstyga in two areas: *Miranda*² issues relating to Tolstyga's confession and sentence credit.

Appellate counsel advises that a WIS. STAT. RULE 809.30 postconviction motion is warranted. Therefore, this appeal is dismissed, and the RULE 809.30 postconviction motion deadline is reinstated.

Upon the foregoing reasons,

IT IS ORDERED that this appeal is dismissed in favor of further proceedings in the circuit court.

IT IS FURTHER ORDERED that the time for filing a WIS. STAT. RULE 809.30 postconviction motion is extended to June 26, 2015.

IT IS FURTHER ORDERED that to facilitate further circuit court proceedings, WIS. STAT. RULE 809.26 remittitur shall occur within twenty days of the date of this order.

Diane M. Fremgen
Clerk of Court of Appeals

² *Miranda v. Arizona*, 384 U.S. 436 (1966).