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DISTRICT I

June 17, 2016

To:

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

2015AP2566-CRNM State of Wisconsin v. Angus A. Stewart, Jr. (L.C. # 2013CF526)

Before Curley, P.J.

By order dated May 26, 2016, this court directed Attorney Brian C. Hagner, appellate counsel for Angus A. Stewart, Jr., to file a supplemental no-merit report in this matter. Attorney Hagner now requests voluntary dismissal of the no-merit appeal and an extension of the deadline for pursuing postconviction relief in the circuit court. The requests indicate that counsel believes the case presents at least one arguably meritorious issue. 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 relief. To accommodate

this court's procedures at remittitur, the court will grant an extension of appellate deadlines slightly longer than requested.

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 August 1, 2016. *See* WIS. STAT. RULE 809.82(2)(a) (2013-14).

Diane M. Fremgen
Clerk of Court of Appeals