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**WISCONSIN COURT OF APPEALS**

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**DISTRICT II**

September 6, 2016

To:

Hon. Eugene A. Gasiorkiewicz  
Circuit Court Judge  
730 Wisconsin Avenue  
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Domingo Lopez, Jr. 507275  
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P.O. Box 4000  
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You are hereby notified that the Court has entered the following opinion and order:

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2016AP713-CRNM      State v. Domingo Lopez, Jr. (L.C. # 2014CF168)

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

Appointed counsel, Attorney Patrick Flanagan, remains delinquent with respect to the supplemental no-merit report he was required to file by our June 22, 2016 order. However, the supplemental no-merit report is no longer required. The appellant writes the court indicating that he wishes to withdraw his appeal and that appointed counsel can be dismissed. That appointed counsel filed a no-merit report demonstrates that the appellant has been advised by counsel of his right to have a no-merit appeal, his right to have his appointed counsel close the file without an appeal, and his right to proceed *pro se* or with an attorney retained at his own expense. *See* WIS. STAT. RULE 809.32(1)(b). It appears that the appellant now agrees to have his file closed without

an appeal. We must dismiss an appeal when an appellant files a notice of voluntary dismissal pursuant to WIS. STAT. RULE 809.18, before a decision has been issued. *See State v. Lee*, 197 Wis. 2d 960, 542 N.W.2d 143 (1996). Therefore,

IT IS ORDERED that the no-merit report is rejected and the no-merit appeal is dismissed, pursuant to WIS. STAT. RULE 809.18.

IT IS FURTHER ORDERED that Attorney Patrick Flanagan is relieved of further representation of Domingo Lopez, Jr.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*