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July 11, 2017

To:

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

2015AP2424-CRNM State of Wisconsin v. Brandon Scott Turnure (L.C. # 2013CF707)

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

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Brandon Scott Turnure appeals a judgment of conviction entered upon his guilty pleas to two counts of armed robbery as a party to the crime, and one count of first degree recklessly endangering safety while armed with a dangerous weapon, and an order denying his postconviction motion to be found eligible for the substance abuse program. His appellate counsel filed a WIS. STAT. RULE 809.32 no-merit report and Turnure did not respond. During

this court's independent review, we observed potential issues of arguable merit concerning the plea-taking procedures in this case and the form of the judgment. By order dated June 5, 2017, we directed appellate counsel to consult with Turnure and to file a supplemental no-merit report either: (1) concluding that there is no arguable merit to these possible issues; (2) submitting a written statement from Turnure indicating that he wishes to waive the identified potential challenges; or (3) requesting that we dismiss the appeal in favor of an extension of the time to file a postconviction motion in the circuit court. In response, appellate counsel moves for dismissal of the appeal in favor of an extension of the time to file a postconviction motion.¹ Consequently, the no-merit report is rejected and the appeal is dismissed with an extension of time for filing a WIS. STAT. RULE 809.30 postconviction motion. Therefore,

IT IS ORDERED that the no-merit report is rejected and Attorney Philip J. Brehm's motion to be relieved from further representing Brandon Scott Turnure is denied.

IT IS FURTHER ORDERED that the no-merit appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the time for filing a postconviction motion under WIS. STAT. RULE 809.30(2)(h) is extended to August 9, 2017. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Clerk of Court of Appeals

¹ In the future, counsel should caption and treat such a filing as a supplemental no-merit report; this would include electronic filing of the supplemental no-merit report.