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DISTRICT I/IV

March 22, 2018

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

2017AP1552-CRNM State of Wisconsin v. Christopher Daniel Koehn (L.C. # 2015CF71)

Before Lundsten, P.J., Sherman and Fitzpatrick, JJ.

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).

By order dated February 20, 2018, we noted that we had received a copy of a letter appellant Christopher Koehn filed in the circuit court, in which Koehn requested that the court allow his appointed counsel to withdraw so that Koehn may pursue a pro se motion for sentence modification. We explained that, because this matter is currently pending in this court pursuant to the no-merit appeal counsel filed on Koehn's behalf, any motion to dismiss the no-merit

appeal and allow counsel to withdraw so that Koehn may pursue a pro se motion for postconviction relief must be pursued in this court.

We stated in our February 20, 2018 order that it appeared that Koehn may wish to dismiss this no-merit appeal and allow his appointed counsel to withdraw so that Koehn may proceed pro se. We explained that we have an independent responsibility to determine that Koehn is knowingly waiving his right to counsel, and cautioned Koehn as to the advantages of pursuing a no-merit appeal and the risks and disadvantages of proceeding pro se. We directed Koehn to consider that information carefully and advise this court whether he wishes to discharge his attorney.

We have now received a response from Koehn. Koehn indicates that he received our February 20, 2018 order, and that he wishes to dismiss this appeal and allow his counsel to withdraw. Because Koehn indicates that he received the order in which we advised him as to the advantages of the no-merit procedure, as well as the risks and disadvantages of proceeding pro se, and has confirmed in writing that he still wishes to dismiss this no-merit appeal and allow his appointed counsel to withdraw, we now dismiss this appeal. We will extend the time to file a postconviction motion or notice of appeal.

Therefore,

IT IS ORDERED that Attorney Kiley Zellner is withdrawn as counsel for the appellant.

IT IS FURTHER ORDERED that this appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the time to file a postconviction motion or notice of appeal is extended to sixty days from the date of this order.

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

Sheila T. Reiff
Clerk of Court of Appeals