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DISTRICT III/IV

June 3, 2019

To:

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

2018AP586-CRNM State of Wisconsin v. James M. Kropf (L.C. # 2015CF172)

Before Sherman, Kloppenburg 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).

Counsel for James M. Kropf filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017018),¹ concluding that there would be no arguable merit to any possible issue that could be raised by postconviction motion or appeal. Kropf filed a response to the no-merit report

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

suggesting a number of claims, including that trial counsel provided ineffective assistance, that his sentence was based on inaccurate information and was the result of an erroneous exercise of discretion, and that the prosecutor engaged in misconduct. Counsel initially filed a letter indicating that he would not file a supplemental no-merit report.

After the no-merit was submitted, appellate counsel filed a motion to withdraw the no-merit report, asserting that he recently discovered a potentially meritorious issue supporting plea withdrawal. Acting on counsel's motion to voluntarily dismiss the no-merit appeal, we dismiss the appeal and extend the time for counsel to file a WIS. STAT. RULE 809.30 postconviction motion in the circuit court. Therefore,

IT IS ORDERED that the no-merit report is rejected and the appeal is dismissed.

IT IS FURTHER ORDERED that the time for filing a postconviction motion is extended to thirty days after remittitur.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals