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DISTRICT IV

September 23, 2019

To:

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

2019AP706-CRNM State of Wisconsin v. Marc W. Nadig (L.C. # 2016CF344)

Before Fitzpatrick, P.J., Blanchard and Kloppenburg, 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 August 19, 2019, this court directed Attorney Susan E. Alesia to file a supplemental no-merit report on behalf of Marc W. Nadig. Upon this court's independent review of the record, the no-merit report, and Nadig's response, we questioned whether Nadig had been sentenced on accurate information.

Nadig, by counsel, has now submitted a notice of voluntary dismissal and requests that we extend the time for filing a postconviction motion. Because a no-merit report is only appropriate if counsel is convinced that an appeal would be wholly frivolous, *see McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the motion.

Upon the foregoing,

IT IS ORDERED that the no-merit report in appeal No. 2019AP706-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a supplemental postconviction motion or notice of appeal in Dodge County Circuit Court case No. 2016CF344 is extended to October 25, 2019.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals