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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

February 28, 2020

To:

Hon. Thomas J. McAdams
Circuit Court Judge
Milwaukee County Circuit Court
901 N. 9th St.
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room 114
821 W. State Street
Milwaukee, WI 53233

Pablo Galaviz Jr.
Galaviz Legal LLC
711 W. Moreland Blvd., Ste. 205
Waukesha, WI 53188-2483

Karen A. Loebel
Deputy District Attorney
821 W. State St.
Milwaukee, WI 53233

Kawon K. Branch 546820
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

Criminal Appeals Unit
Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

Andrea Taylor Cornwall
State Public Defender
Appellate Division
735 N. Water St., Suite 912
Milwaukee, WI 53202-4105

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

2018AP1008-CRNM State of Wisconsin v. Kawon K. Branch (L.C. # 2014CF2080)

Before Brash, P.J., Dugan and White, 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).

Kawon K. Branch appeals from a judgment of conviction for one count of first-degree intentional homicide by use of a dangerous weapon, as a party to a crime. *See* WIS. STAT. §§ 940.01(1)(a), 939.63(1)(b), and 939.05 (2013-14).¹ On July 12, 2018, Branch’s appellate counsel, Pablo Galaviz, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. On July 17, 2018, Branch filed a response. Appellate counsel did not file a supplemental no-merit report.

On January 10, 2020, we directed appellate counsel to file a supplemental no-merit report addressing issues identified in our order. In the alternative, we indicated that if counsel identified an issue of arguable merit, he should file a motion to dismiss this appeal and extend the time for filing a postconviction motion.

On February 28, 2020, Galaviz filed a motion seeking to dismiss this appeal and extend the time for filing a postconviction motion. The motion explains that counsel has identified an issue of arguable merit. Because a no-merit report is only appropriate if counsel is convinced that an appeal would be wholly frivolous, *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the motion.

IT IS ORDERED that the no-merit report in appeal No. 2018AP1008-CRNM is rejected and the appeal is dismissed without prejudice.

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

IT IS FURTHER ORDERED that the deadline for Attorney Pablo Galaviz to file a postconviction motion on Branch's behalf is extended to May 4, 2020. *See* WIS. STAT. RULE 809.82(2)(a) (2017-18).

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

Sheila T. Reiff
Clerk of Court of Appeals