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DISTRICT I

April 21, 2020

To:

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

2019AP1383-CRNM State of Wisconsin v. Cedric L. Tung (L.C. # 2017CF2817)

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).

A jury found Cedric L. Tung guilty of first-degree sexual assault of a child. Tung appeals from the judgment of conviction and from an order denying his postconviction motion. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Tung filed responses to the report and counsel filed a supplemental report. After review of the record, a March 11, 2020 order required appellate counsel to file a second supplemental no-merit report to address potential issues suggested by our

review of the record. In response, appellate counsel indicates that he now believes a non-frivolous claim can be pursued. Appellate counsel asks that the appeal be dismissed and that the time for Tung to file a second postconviction motion be extended. The requested extension is appropriate because a no-merit resolution of the appeal is not possible.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that the time under WIS. STAT. RULE 809.30(2)(h), for filing a second postconviction is extended to June 22, 2020.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals