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**DISTRICT IV**

October 29, 2020

To:

Hon. Nicholas McNamara  
Circuit Court Judge  
Dane County Courthouse, Branch 5  
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Department of Justice  
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You are hereby notified that the Court has entered the following opinion and order:

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2019AP1031-CRNM      State of Wisconsin v. Marcos Banuelos (L.C. # 2016CF1512)

Before Fitzpatrick, P.J., Kloppenburg, and Nashold, 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).**

Attorney Tristan Breedlove, appointed counsel for Marcos Banuelos, has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2017-18)<sup>1</sup> and

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

*Anders v. California*, 386 U.S. 738, 744 (1967). By prior order, we informed counsel that we were unable to determine whether it would be wholly frivolous to pursue a claim of ineffective assistance of counsel. Accordingly, we requested further input from counsel. Counsel now informs us that, upon further consultation with Banuelos, counsel has determined that a claim of ineffective assistance of counsel would have arguable merit.

Therefore,

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

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

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*