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DISTRICT IV

February 4, 2022

To:

Hon. Duane M. Jorgenson
Circuit Court Judge
Electronic Notice

Trisha Rowe
Clerk of Circuit Court
Lafayette County Courthouse
Electronic Notice

Thomas Brady Aquino
Electronic Notice

Winn S. Collins
Electronic Notice

Jenna L. Gill
Electronic Notice

Nicholas Austin Bratzke 627944
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

2021AP73-CRNM State of Wisconsin v. Nicholas Austin Bratzke (L.C. # 2019CF17)

Before Blanchard, P.J., Fitzpatrick, and Graham, 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 prior order, we questioned whether there would be arguable merit to an argument that the State breached the plea agreement in this case by offering a “less than neutral” recitation of the plea agreement. *See State v. Williams*, 2002 WI 1, ¶47, 249 Wis. 2d 492, 637 N.W.2d 733 (prosecutor’s recitation of the plea agreement was less than neutral where the prosecutor “implied that had the State known more about the defendant, it would not have entered into the plea agreement”). Attorney Thomas Aquino, appointed counsel for appellant Nicholas Bratzke, now

informs us that he has concluded that this issue would have arguable merit. Attorney Aquino moves to extend the time to file a postconviction motion.

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 or notice of appeal is extended to sixty days from the date of this order.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals