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DISTRICT I

June 1, 2022

To:

Hon. Dennis R. Cimpl
Circuit Court Judge
Electronic Notice

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Clerk of Circuit Court
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John D. Flynn
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Pamela Moorshead
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Vondelle Montez Over 541533
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Waupun, WI 53963-0351

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

2021AP16-CRNM State of Wisconsin v. Vondelle Montez Over (L.C. # 2017CF4372)

Before Brash, C.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).

By order dated April 26, 2022, this court directed Attorney Pamela Moorshead, appellate counsel for Vondelle Montez Over, to file a supplemental no-merit report in this matter. Attorney Moorshead now advises that the case presents arguably meritorious issues and requests voluntary dismissal of the no-merit appeal and an extension of appellate deadlines under WIS. STAT. RULE 809.30 (2019-20).¹ A no-merit appeal is appropriate only if counsel is convinced

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

that further postconviction proceedings would be wholly frivolous. *See McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant the relief sought.

IT IS ORDERED that the no-merit report is rejected and this appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal pursuant to WIS. STAT. RULE 809.30 is extended through the date thirty days after remittitur. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals