



OFFICE OF THE CLERK
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 II

January 18, 2023

To:

Hon. Kristine E. Drettwan
Circuit Court Judge
Electronic Notice

Kristina Secord
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Jay R. Pucek
Electronic Notice

Zeke Wiedenfeld
Electronic Notice

Scott David Wartzak, #674794
Prairie Du Chien Correctional Inst.
P.O. Box 9900
Prairie du Chien, WI 53821

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

2019AP2006-CRNM State of Wisconsin v. Scott David Wartzak (L.C. #2018CF217)

Before Gundrum, P.J., Grogan and Lazar, 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 Jay R. Pucek, appointed counsel for Scott David Wartzak, has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738, 744 (1967). By prior order, we informed Attorney Pucek that we were unable to determine whether further proceedings would be wholly frivolous. We

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

requested further input from counsel as to whether there would be arguable merit to further proceedings related to Wartzak's eligibility for the Substance Abuse Program.

Attorney Pucek now informs this court that he has determined that the issue identified by our prior order would have arguable merit, and that Wartzak wishes to pursue it. Because counsel informs this court that there is an issue of arguable merit to pursue, we now reject the no-merit report and extend the time to file a postconviction motion.

Therefore,

IT IS ORDERED that the no-merit report is rejected and the 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IT IS FURTHER ORDERED that this summary disposition order will not be published.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