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DISTRICT I

January 13, 2023

To:

Hon. David L. Borowski
Circuit Court Judge
Electronic Notice

Winn S. Collins
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Dustin C. Haskell
Electronic Notice

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

2022AP487-CRNM State of Wisconsin v. Fernando R. Salinas
(L.C. # 2020CF2076)

Before Brash, C.J., Donald, P.J., and Dugan, J.

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 December 14, 2022, this court directed Attorney Dustin C. Haskell, appellate counsel for Fernando R. Salinas, to file a supplemental no-merit report in this matter. Attorney Haskell now requests voluntary dismissal of the no-merit appeal and an extension of appellate deadlines to permit the filing of a postconviction motion under WIS. STAT. RULE 809.30(2)(h) (2019-20).¹ A no-merit appeal is appropriate only if counsel is convinced 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.

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

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 Salinas to file a postconviction motion or notice of appeal pursuant to WIS. STAT. RULE 809.30 is extended through March 13, 2023. *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IT IS FURTHER ORDERED that this summary disposition order will not be published.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