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DISTRICT II

May 17, 2023

To:

Hon. Laura F. Lau
Circuit Court Judge
Electronic Notice

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Clerk of Circuit Court
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Armon D. Vaccaro, #645832
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2020AP1077-CRNM State of Wisconsin v. Armon D. Vaccaro (L.C. #2018CF425)

Before Gundrum, P.J., Neubauer and Grogan, 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).

Counsel for Armon D. Vaccaro filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967), concluding that there would be no arguable merit to any possible issues that could be raised by postconviction motion or appeal. Vaccaro was informed of his right to file a response to the no-merit report, and he did not respond.

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

By order dated March 7, 2023, we identified a potential issue regarding Vaccaro’s plea that the no-merit report failed to adequately address. Specifically, we noted that during the plea colloquy, the circuit court failed to ascertain “whether any promises, agreements, or threats were made in connection with [Vaccaro’s] anticipated plea[.]” *See State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. We therefore ordered appellate counsel to either: (1) file a supplemental no-merit report explaining why it would be wholly frivolous to pursue this potential issue; or (2) move to voluntarily dismiss this no-merit appeal and to extend the time for filing a postconviction motion.

Vaccaro, by counsel, now moves to voluntarily dismiss this appeal and to extend the time for filing a postconviction motion. Based upon the representations in the motion, we reject the no-merit report, dismiss the appeal, and extend the time for counsel to file a postconviction motion.

Upon the foregoing,

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

IT IS FURTHER ORDERED that the time for filing 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IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals