



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 I

February 27, 2024

To:

Hon. David A. Feiss
Circuit Court Judge
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

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

Cole Michael Debaets 709188
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

Kathleen A. Lindgren
Electronic Notice

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

2023AP1713-CRNM	State of Wisconsin v. Cole Michael Debaets (L.C. # 2021CF3436)
2023AP1714-CRNM	State of Wisconsin v. Cole Michael Debaets (L.C. # 2021CF4444)

Before White, C.J., Donald, P.J., and Geenen, 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 January 31, 2024, this court directed Attorney Kathleen A. Lindgren, appellate counsel for Cole Michael Debaets, to file a supplemental no-merit report in appeal No. 2023AP1713-CRNM. Attorney Lindgren now advises that, following discussion with Debaets and further review of the records in both of these unconsolidated matters, she has concluded that proceeding with no-merit appeals “is inappropriate, as counsel is no longer convinced that an appeal would be wholly frivolous.” Counsel therefore requests voluntary

dismissal of the two no-merit appeals and extensions of appellate deadlines to permit the filing of a postconviction motion under WIS. STAT. RULE 809.30(2)(h) (2021-22).¹ A no-merit appeal is appropriate only if counsel is convinced that further postconviction proceedings would be wholly frivolous. *McCoy v. Court of Appeals*, 486 U.S. 429, 438 (1988). Accordingly, the court will grant the relief requested.

IT IS ORDERED that the no-merit report in each of these matters is rejected and these appeals are dismissed without prejudice. *See* WIS. STAT. RULE 809.18(1).

IT IS FURTHER ORDERED that the deadline for Debaets to file a postconviction motion or notice of appeal pursuant to WIS. STAT. RULE 809.30 is extended in each of these matters 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IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals

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