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DISTRICT IV

March 28, 2024

To:

Hon. Karl Hanson
Circuit Court Judge
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Jaymes Fenton
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Jose Luis Zuniga 702288
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2022AP1659-CRNM State of Wisconsin v. Jose Luis Zuniga (L.C. # 2020CF392)

Before Kloppenburg, P.J., Blanchard, and Nashold, 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 Jaymes Fenton, appointed counsel for Jose Zuniga, previously filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). In an order dated February 20, 2024, this court directed counsel to review a potential plea withdrawal issue and to consult with Zuniga on that issue. Counsel has now responded to this court's order. He states that he has discussed the

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

matter with Zuniga, and he requests that the no-merit report be withdrawn so that a postconviction motion for plea withdrawal may be filed in the circuit court.

Counsel's response indicates that counsel has now concluded that there is a non-frivolous plea withdrawal issue to be brought by postconviction motion and that Zuniga wishes to pursue that issue. Accordingly, we reject the no-merit report, dismiss this no-merit appeal, and conclude that there is good cause to extend the time to file a postconviction motion.

Therefore,

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

IT IS FURTHER ORDERED that the time to file a postconviction motion is extended to April 15, 2024.

IT IS FURTHER ORDERED that this summary disposition order will not be published

Samuel A. Christensen
Clerk of Court of Appeals