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DISTRICT III

March 26, 2024

To:

Hon. Timothy A. Hinkfuss
Circuit Court Judge
Electronic Notice

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
Electronic Notice

Erica L. Bauer
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Carl Franklin Self 426328
Oshkosh Correctional Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2022AP707-CRNM	State of Wisconsin v. Carl Franklin Self
2022AP708-CRNM	(L. C. Nos. 2017CF53, 2018CF376, 2018CF582, 2018CF1054)
2022AP709-CRNM	
2022AP710-CRNM	

Before Stark, P.J., Hruz and Gill, 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).

Carl Self appeals judgments of conviction for multiple offenses in four criminal cases. Attorney Erica Bauer has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2021-22); *Anders v. California*, 386 U.S. 738, 744 (1967). Self has responded to the report, and Attorney Bauer has filed a supplemental no-merit report.

By prior order, we identified a potential issue of arguable merit related to sentence credit and requested further input from counsel. We directed counsel to consider the issue we

identified and inform us if she determined that a challenge to sentence credit, or any other issue, would have arguable merit. We explained that if counsel informed us that any issue has arguable merit, we would then dismiss these appeals and extend the time to file a postconviction motion. We also explained that if counsel concluded that the issue we identified lacked arguable merit, counsel was required to explain her conclusion in a second supplemental no-merit report.

Counsel now informs this court that she has concluded that there is merit to a claim for additional sentence credit. However, counsel also moves to extend the time to file a second supplemental no-merit report. Counsel states that she has sent correspondence to the State asking if the State will agree to stipulate to additional sentence credit. Counsel states further that if the State will stipulate to a request for additional sentence credit, counsel will then obtain amended judgments of conviction and seek to continue these no-merit appeals.

Because counsel has concluded that there is at least one issue of arguable merit to pursue, a no-merit appeal is not appropriate. *See McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988) (a no-merit proceeding is appropriate only if counsel is convinced that an appeal would be wholly frivolous). We are not persuaded that it is appropriate to continue these no-merit appeals despite an identified issue of merit based on counsel's statement that she has requested that the State stipulate to additional sentence credit and her apparent belief that the circuit court will grant additional sentence credit if presented with a stipulation.

Accordingly, we now reject the no-merit report. We emphasize that nothing in this decision should be read to indicate that this court has reached any conclusions about the merits of any potential issue in these cases.

Therefore,

IT IS ORDERED that the no-merit report is rejected and these no-merit appeals are dismissed without prejudice.

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.

Samuel A. Christensen
Clerk of Court of Appeals