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**DISTRICT II**

June 26, 2024

To:

Hon. Wynne P. Laufenberg  
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Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
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Marcus D. Montgomery, #705399  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

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2022AP1957-CRNM      State of Wisconsin v. Marcus D. Montgomery (L.C. #2018CF918)

Before Gundrum, P.J., Grogan and Lazar, 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).**

By order dated May 13, 2024, we directed counsel for appellant Marcus D. Montgomery to file a supplemental no-merit report addressing a circuit court order that Montgomery repay attorney fees for appointed counsel. Appellate counsel, who states that he believes the issue identified is meritorious, has filed a motion seeking to dismiss the no-merit appeal and to set a deadline for Montgomery to file a postconviction motion. Because a no-merit report is only appropriate if counsel is convinced that an appeal would be wholly frivolous, *see McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the motion.

Upon the foregoing,

IT IS ORDERED that the no-merit report in appeal No. 2022AP1957-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the time for filing a postconviction motion under WIS. STAT. RULE 809.30 in Racine County Circuit Court case No. 2018CF918 is extended to August 2, 2024.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*