

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

To:

July 16, 2013

Hon. David A. Hansher Circuit Court Judge Milwaukee County Courthouse 901 N. 9th St. Milwaukee, WI 53233

John Barrett Clerk of Circuit Court Room 114 821 W. State Street Milwaukee, WI 53233

Angela Conrad Kachelski Kachelski Law Office Suite 6A 7101 N. Green Bay Ave. Milwaukee, WI 53209 Karen A. Loebel Asst. District Attorney 821 W. State St. Milwaukee, WI 53233

Gregory M. Weber Assistant Attorney General P.O. Box 7857 Madison, WI 53707-7857

Montrel Che Evans 539204 Jackson Corr. Inst. P.O. Box 233 Black River Falls, WI 54615-0233

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

2012AP1195-CRNM State of Wisconsin v. Montrel Che Evans (L.C. # 2011CF178)

Before Curley, P.J.

Montrel Che Evans appeals from a judgment of conviction, entered upon his guilty pleas, for one count of taking and driving a vehicle without consent and one count of burglary of a building or dwelling as a party to a crime, contrary to WIS. STAT. §§ 943.23(2), 943.10(1m)(a), and 939.05 (2009-10).¹ Appellate counsel, Angela C. Kachelski, has filed a no-merit report

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

No. 2012AP1195-CRNM

pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. Evans has not filed a response. We independently reviewed the record and the no-merit report. On May 16, 2013, we directed counsel to file a supplemental no-merit report addressing several issues, including issues related to the plea, sentence credit, and Evans's correct date of birth.

Attorney Kachelski's supplemental no-merit report indicates that she has identified an issue of arguable merit concerning Evans's plea that she has discussed with Evans. She asks this court to reject the no-merit report, reinstate Evans's WIS. STAT. RULE 809.03 appeal rights, and extend the time for him to file a postconviction motion. Because a no-merit report is only appropriate if counsel is convinced that an appeal would be wholly frivolous, *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the request.

Therefore,

IT IS ORDERED that the no-merit report in appeal No. 2012AP1195-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for Attorney Angela C. Kachelski to file a postconviction motion on Evans's behalf is extended to sixty days from the date of this order. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen Clerk of Court of Appeals