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Supreme Court of Wisconsin

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December 2, 2015

To:

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

No. 2013AP2732-CRNM State v. Meinholz L.C.#2010CF1226

Attorney Anthony J. Jurek filed a no-merit report pursuant to Rule 809.32(1) in the court of appeals. Defendant-appellant, Andrew Meinholz, was informed of his right to file a response but no response was filed. On March 31, 2015, the court of appeals summarily affirmed the judgment of conviction and relieved Attorney Jurek of further representation.

On April 30, 2015, Attorney Jurek filed a motion for a ruling on defendant-appellant's competency. The motion was filed in the court of appeals, but was referred to this court. In the motion, Attorney Jurek stated he wished to preserve defendant-appellant's right to file a petition for review. This court deemed the motion to be a timely but nonconforming petition for review and ordered Attorney Jurek to file a supplemental statement explaining with greater specificity what relief he sought on defendant-appellant's behalf. Attorney Jurek has filed a supplemental statement. The court having considered all of the foregoing,

Page Two

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No. 2013AP2732-CRNM

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IT IS ORDERED that the matter is remanded to the Dane County circuit court for a determination of postconviction competency consistent with the requirements of State v. Debra A.E., 188 Wis. 2d 111, 523 N.W.2d 727 (1994). The purpose of the remand is to determine whether Andrew Meinholz is competent to exercise his right to file a statement in support of the petition for review complying with the requirements of §§ 809.62(2) and (4).

IT IS FURTHER ORDERED that Attorney Anthony J. Jurek is appointed to represent Andrew Meinholz in the circuit court proceedings on remand.

IT IS FURTHER ORDERED that the proceedings in this court are held in abeyance pending the remand, and while the circuit court conducts proceedings on remand, this court retains jurisdiction over the matter. The parties are instructed to inform this court of the outcome of the remand.

SHIRLEY S. ABRAHAMSON, J. (*concurring*). I agree with the order. I note, however, that payment to Attorney Jurek for services and by whom is not decided.

Diane M. Fremgen
Clerk of Supreme Court