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**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](http://www.wicourts.gov)

**DISTRICT I**

July 30, 2015

To:

Hon. Richard J. Sankovitz  
Circuit Court Judge  
Safety Building  
821 W. State St.  
Milwaukee, WI 53233

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

Russell D. Bohach  
P. O. Box 485  
Butler, WI 53007

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

Jonah S. Agnew 585019  
Dodge Corr. Inst.  
P.O. Box 700  
Waupun, WI 53963-0700

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

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2013AP2677-CRNM      State of Wisconsin v. Jonah S. Agnew (L.C. #2010CF749)

Before Curley, P. J.

By order dated June 1, 2015, this court directed Attorney Russell D. Bohach, appellate counsel for Jonah S. Agnew, to file a supplemental no-merit report in this matter. Attorney Bohach now advises that, in his view, the no-merit appeal should be dismissed to permit Agnew to file a postconviction motion. Counsel therefore requests voluntary dismissal of the no-merit appeal and moves to extend the deadline for pursuing postconviction relief in the circuit court. A no-merit proceeding is appropriate only if counsel is convinced an appeal would be wholly frivolous. *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will

grant relief. To accommodate the court's procedures at remittitur, the court will allow Agnew an extension of appellate deadlines slightly longer than requested.

IT IS ORDERED that the no-merit report is rejected and this appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal is extended through September 14, 2015. *See* WIS. STAT. RULE 809.82(2)(a) (2013-14).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*