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**DISTRICT III**

November 10, 2015

To:

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Clerk of Circuit Court  
Racine County Courthouse  
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You are hereby notified that the Court has entered the following order:

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2014AP2042-CRNM      State of Wisconsin v. Richard L. Lewis (L.C. # 2011CF321)

Before Stark, P.J., Hruz and Seidl, JJ.

Counsel for Richard Lewis, Michael Backes, filed a no-merit report concluding there is no arguable basis for Lewis to challenge his convictions and sentences for aggravated battery-elderly and felony murder. Lewis filed a response raising ten issues. Attorney Backes filed a reply providing cursory analysis of some of the issues. We are dissatisfied with Backes' reply. Most significantly, he has not established lack of arguable merit to Lewis' double jeopardy argument, ignored the case law Lewis cited, and cited a case that is entirely inapposite. He also failed to meaningfully address other issues in Lewis' response.

IT IS ORDERED that the no-merit report is rejected.

IT IS FURTHER ORDERED that the state public defender shall appoint replacement counsel within thirty days of the date of this order.

IT IS FURTHER ORDERED that Attorney Backes, upon request, shall provide replacement counsel with all documents in his possession related to this case.

IT IS FURTHER ORDERED that, within sixty days of his or her appointment, replacement counsel shall notify this court whether he or she wishes to proceed directly to briefing in this court or file a postconviction motion in the circuit court. If replacement counsel elects to file a no-merit report, he or she shall address all of the issues raised in Lewis' response to Backes' no-merit report..

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