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**DISTRICT II**

June 7, 2016

To:

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Circuit Court Judge  
Brown County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2014AP2903-CRNM      State of Wisconsin v. Jaime Reyes-Sanchez (L.C. # 2013CF169)

Before Neubauer, C.J., Reilly, P.J. and Gundrum, J.

Jaime Reyes-Sanchez appeals from a judgment convicting him of delivering a controlled substance as a second and subsequent offense contrary to WIS. STAT. §§ 961.41(1)(cm)3 and 961.48(1)(b) (2013-14)<sup>1</sup> and possession with intent to deliver a controlled substance contrary to § 961.41(1m)(cm)4 as a second and subsequent offense. Reyes-Sanchez's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

738 (1967). Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we concluded that an issue with arguable merit is present relating to the entry of Reyes-Sanchez's no contest pleas. Our May 4, 2016 order required appellate counsel to investigate this arguable issue, consult with Reyes-Sanchez and file a response to this order.

In an affidavit responding to the May 4 order, Reyes-Sanchez advises that he received a copy of the May 4 order and understands the matters discussed therein. Reyes-Sanchez advises that he desires to waive the arguable appellate issue and dismiss his appeal.

Reyes-Sanchez has the right to exercise the WIS. STAT. RULE 809.32 no-merit option on appeal. *State v. Thornton*, 2002 WI App 294, ¶21, 259 Wis. 2d 157, 656 N.W.2d 45. However, this right can be waived. *Id.* We deem Reyes-Sanchez's affidavit as a waiver of his appeal rights from the judgment of conviction that is the subject of this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the WIS. STAT. RULE 809.32 no-merit report is rejected.

IT IS FURTHER ORDERED that this appeal is dismissed.

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