



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 II

November 21, 2016

To:

Hon. Lloyd Carter
Circuit Court Judge
Waukesha County Circuit Court
515 W. Moreland Blvd.
Waukesha, WI 53188

Kathleen A. Madden
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Angela Conrad Kachelski
Kachelski Law Office
7101 N. Green Bay Ave., Suite 6A
Milwaukee, WI 53209

Susan Lee Opper
District Attorney
515 W. Moreland Blvd. Rm. G-72
Waukesha, WI 53188-2486

Gustave K. Benson 625167
Oshkosh Corr. Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

Criminal Appeals Unit
Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

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

2015AP1670-CRNM State of Wisconsin v. Gustave K. Benson (L.C. # 2013CF1001)

Before Neubauer, C.J., Gundrum and Hagedorn, JJ.

Gustave Benson appeals from a judgment convicting him of attempted second-degree sexual assault of a child under sixteen contrary to WIS. STAT. §§ 948.02(2) and 939.32 (2013-14).¹ Benson's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Our October 21, 2016 order identified a sentence credit issue in the record.

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

Appointed counsel advises that the sentence credit issue will be addressed via a WIS. STAT. RULE 809.30 postconviction motion, and that this appeal may be dismissed. The court will grant the requested relief.

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 in favor of WIS. STAT. RULE 809.30 proceedings in the circuit court.

IT IS FURTHER ORDERED that a WIS. STAT. RULE 809.30 postconviction motion shall be filed in the circuit court within sixty days of the date of this order.

Diane M. Fremgen
Clerk of Court of Appeals