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DISTRICT IV

August 7, 2025

To:

Hon. Todd P. Wolf
Circuit Court Judge
Electronic Notice

Kimberly Stimac
Clerk of Circuit Court
Wood County Courthouse
Electronic Notice

Erica L. Bauer
Electronic Notice

John Blimling
Electronic Notice

Neko D. Forbes 706450
Jackson Correctional Inst.
P.O. Box 233
Black River Falls, WI 54615-0233

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

2023AP1461-CRNM State of Wisconsin v. Neko D. Forbes (L.C. # 2021CF656)

Before Blanchard, Kloppenburg, and Taylor, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Attorney Erica Bauer, appointed counsel for appellant Neko Forbes, has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24).¹ By prior order, this court questioned whether there would be arguable merit to further proceedings related to Forbes' eligibility for the Substance Abuse Program (SAP). In response, counsel informs this court that she has determined that there would be arguable merit to a postconviction

¹ All references to the Wisconsin Statutes are to the 2034-24 version unless otherwise noted.

motion seeking SAP eligibility in this matter. Counsel moves to dismiss this no-merit appeal and extend the time to file a postconviction motion or notice of appeal.

A no-merit appeal is appropriate only if counsel is convinced that further postconviction proceedings would be wholly frivolous. *McCoy v. Court of Appeals*, 486 U.S. 429, 438 (1988). Accordingly, we reject the no-merit report and dismiss the no-merit appeal.²

Therefore,

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

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal is extended to sixty days from the date of this order.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals

² This court previously granted counsel's motion to consolidate this appeal with Forbes' no-merit appeals in his two related criminal cases. However, in response to this court's prior order in the consolidated no-merit appeals, counsel informed this court that she determined that there would be arguable merit to a postconviction motion seeking SAP eligibility only in Forbes' criminal case underlying this appeal. On that basis, counsel moved to sever this appeal from the other two appeals. Accordingly, this court has issued a separate order severing this appeal from the other two consolidated appeals.