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DISTRICT I

December 16, 2013

To:

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Circuit Court Judge
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You are hereby notified that the Court has entered the following order:

2013AP726-CRNM State of Wisconsin v. Ellert Richard Mitchell (L.C. #2011CF5148)
2013AP727-CRNM State of Wisconsin v. Ellert Richard Mitchell (L.C. #2011CF367)

Before Curley, P.J.

By order dated November 20, 2013, this court directed Attorney Kathilynne Grotelueschen, appellate counsel for Ellert Richard Mitchell, to file a supplemental no-merit report regarding the pleas, plea bargain, and sentences in these matters. Counsel has responded, advising that she has concluded that at least one issue is arguably meritorious. Counsel therefore seeks voluntary dismissal of the no-merit appeals and an extension of the deadlines for seeking postconviction relief in the circuit court. A no-merit proceeding is appropriate only if counsel is

convinced that an appeal would be wholly frivolous. *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant the motion.

IT IS ORDERED that the no-merit report is rejected and these appeals are dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal in each of these matters is extended through February 14, 2014. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals