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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](http://www.wicourts.gov)

**DISTRICT I**

March 18, 2014

*To:*

Hon. Jean A. DiMotto  
Circuit Court Judge  
Milwaukee County Courthouse, # 401  
901 N. 9th St.  
Milwaukee, WI 53233-1425

John Barrett  
Clerk of Circuit Court  
Room 114  
821 W. State Street  
Milwaukee, WI 53233

Michael J. Backes  
Law Offices of Michael J. Backes  
P.O. Box 11048  
Shorewood, WI 53211

Karen A. Loebel  
Asst. District Attorney  
821 W. State St.  
Milwaukee, WI 53233

Gregory M. Weber  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Turnell Q. Lewkowski 591135  
Oshkosh Corr. Inst.  
P.O. Box 3310  
Oshkosh, WI 54903-3310

Jeremy C. Perri  
First Asst. State Public Defender  
735 N. Water St., #912  
Milwaukee, WI 53203

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

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2013AP441-CRNM      State of Wisconsin v. Turnell Q. Lewkowski (L.C. #2012CF579)

Before Curley, P.J.

Turnell Q. Lewkowski filed an appeal with the assistance of appointed counsel, who submitted a no-merit report on Lewkowski's behalf. By order dated September 23, 2013, we directed appointed counsel to file a supplemental no-merit report. Subsequently, the state public defender sought leave to appoint successor counsel, and, by order dated November 18, 2013, we held this appeal in abeyance to permit successor counsel to review the file and decide how to proceed. Successor counsel, Attorney Michael J. Backes, filed a status report on February 27,

2014, advising that he intended to move to dismiss this appeal to permit pursuit of a postconviction motion. This court then established a deadline for Lewkowski to file the contemplated motion. He now moves for an order dismissing this appeal and extending the deadline for filing a postconviction motion. A no-merit proceeding is appropriate only if counsel is convinced that postconviction proceedings would be wholly frivolous. *See McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant the relief requested.

IT IS ORDERED that the hold previously placed on this matter is lifted.

IT IS FURTHER ORDERED that the no-merit report filed in this matter is rejected and this appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal is extended through April 30, 2014. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

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