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DISTRICT II

April 15, 2026

To:

Hon. Angelina Gabriele
Circuit Court Judge
Electronic Notice

Annice Kelly
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Jesse M. Cunningham
Apt. 201
708 Sheridan Rd.
Kenosha, WI 53140

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

2024AP685-CRNM State of Wisconsin v. Jesse M. Cunningham (L.C. #2021CF925)

Before Neubauer, P.J., Gundrum, and Lazar, 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 Annice Kelly, appointed counsel for appellant Jesse M. Cunningham, filed a no-merit report seeking to withdraw as appellate counsel. Cunningham filed a response raising numerous issues. By prior order, this court questioned whether there would be arguable merit to a claim that: (1) trial counsel was ineffective in connection with Cunningham's guilty plea by failing to move to dismiss based on a violation of Cunningham's right to a speedy trial; or (2) Cunningham was denied his right to his counsel of choice at sentencing. We directed counsel to consider those issues, consult with Cunningham, and do one of the following: (1) inform this court that counsel concludes that there is an issue of arguable merit to pursue, and that

Cunningham wants to pursue it; (2) inform this court that Cunningham does not want to pursue any issue; or (3) file a supplemental no-merit report explaining counsel's conclusion that the issues identified in our order lack arguable merit.

Counsel has now filed a response stating that Cunningham wants to dismiss this no-merit appeal and extend the time to file a postconviction motion or notice of appeal. In light of our prior order, we accept counsel's response as a statement that she has concluded that there is an issue of arguable merit to pursue and that Cunningham wants to pursue it.

Therefore,

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

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal under WIS. STAT. RULE 809.30(2) (2023-24) is extended to 60 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IT IS FURTHER ORDERED that this summary disposition order will not be published.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