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DISTRICT I

July 28, 2025

To:

Hon. Michelle A. Havas
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

John Blimling
Electronic Notice

Angela Conrad Kachelski
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Brian K. Vaughn 662578
Racine Youthful Offender Corr. Facility
P.O. Box 44380
Racine, WI 53404

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

2022AP2100-CRNM	State of Wisconsin v. Brian K. Vaughn (L.C. # 2018CF4302)
2022AP2101-CRNM	State of Wisconsin v. Brian K. Vaughn (L.C. # 2019CF1511)

Before White, C.J., Donald, P.J., and Colón, J.

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).

Appellate counsel for Brian K. Vaughn filed a no-merit report and a supplemental no-merit report in this matter. *See* WIS. STAT. RULE 809.32 (2023-24).¹ By order dated July 7, 2025, we directed appellate counsel to file a second supplemental no-merit report. Appellate counsel now advises that, in her view, this case presents at least one arguably meritorious claim

¹ All references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted

for relief. Appellate counsel therefore requests voluntary dismissal of this appeal and an extension of appellate deadlines to permit the filing of a postconviction motion under WIS. STAT. RULE 809.30(2)(h). In response to appellate counsel's request, Vaughn has submitted a letter to this court stating that he wishes to proceed with the no-merit appeal; however, we note that 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, the court will grant relief. To accommodate this court's procedures at remittitur, we will grant an extension slightly longer than requested.

IT IS ORDERED that the no-merit report in this matter is rejected and this appeal is dismissed without prejudice. *See* WIS. STAT. RULE 809.18(1).

IT IS FURTHER ORDERED that the deadline for Vaughn to file a postconviction motion or notice of appeal pursuant to WIS. STAT. RULE 809.30 is extended through the date sixty days after remittitur. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals