



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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October 13, 2008

**To:**

Hon. Dennis P. Moroney  
Milwaukee County Circuit Court Judge  
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You are hereby notified that the Court has entered the following order:

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No. 2007AP795

State v. Allen L.C.# 1995CF952095

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of defendant-appellant-petitioner, Aaron Antonio Allen, and a supplemental response filed by plaintiff-respondent, State of Wisconsin, and both being considered by this court;

IT IS ORDERED that the Attorney Robert Henak shall serve as counsel for defendant-appellant-petitioner. Attorney Henak's representation shall be on a pro bono basis and not subject to compensation under SCR ch. 81. The court notes that Aaron Antonio Allen has given his consent to be represented by Attorney Henak;

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IT IS FURTHER ORDERED that the defendant-appellant-petitioner is directed to file a supplemental petition on or before January 5, 2009, to address whether the following issues are presented in Allen's case, and, if so, to include discussion of State v. Fortier, 2006 WI App 11, 289 Wis. 2d 179, 709 N.W.2d 893, State v. Tillman, 2005 WI App 71, 281 Wis. 2d 157, 696 N.W.2d 574, and Page v. Frank, 343 F.3d 901 (7<sup>th</sup> Cir. 2003), with respect to the following issues:

1. Whether the no-merit procedure requires a defendant to file a response to avoid waiver of subsequent claims of error;
2. Whether appointed counsel is required to advise the defendant that a response to a no-merit report is necessary to preserve claims for further review; and
3. Whether to require a defendant to file a response to a no-merit report conflicts with a right to counsel on direct appeal.

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David R. Schanker  
Clerk of Supreme Court