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Supreme Court of Wisconsin

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June 11, 2008

To:

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

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 considered by this court, and the plaintiff-respondent, State of Wisconsin, having filed a response;

IT IS ORDERED that the plaintiff-respondent, State of Wisconsin, is directed to file a supplemental response to the petition for review on or before June 24, 2008, 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, Page v. Frank, 343 F.3d 901 (7th 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;

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2. Whether appointed counsel is required to advise that a response to a no-merit report is required if a defendant wants 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.

David R. Schanker
Clerk of Supreme Court