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**Supreme Court of Wisconsin**

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**SUPREME COURT**

April 26, 2024

**To:**

Hon. Jason A. Rossell  
Circuit Court Judge  
Electronic Notice

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

Christopher P. August  
Electronic Notice

Kieran M. O'Day  
Electronic Notice

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Paul A. Turner 619822  
Oshkosh Correctional Inst.  
P.O. Box 3310  
Oshkosh, WI 54903-3310

You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

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No. 2021AP1977-CRNM State v. Turner, L.C.#2018CF727

In its February 7, 2024 decision, the court of appeals determined it was unable to conclude whether or not further proceedings challenging the imposition of fees and costs associated with county-appointed counsel in this matter would be wholly frivolous. It therefore: (1) rejected the no-merit report filed by appointed counsel; (2) dismissed the appeal without prejudice; (3) referred the matter to the Office of the State Public Defender (SPD) to consider new appointment of counsel for defendant-appellant-petitioner, Paul A. Turner; (4) ordered SPD to inform the court within five days of its decision whether it will appoint new counsel or not; and (5) extended the deadline for Mr. Turner to file a postconviction motion to 45 days after the date on which it received notice from SPD if new counsel would be appointed or not. By order of February 22, 2024, the court of appeals declined to reconsider its decision.

On March 22, 2024, Mr. Turner, pro se, submitted a petition for review "moving this court to review the court of appeals [sic] February 7<sup>th</sup> and 22<sup>nd</sup> 2024 decisions to not address the issues

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raised on appeal, other than whether petitioner has merit to challenge court appointed attorney fees."

On that same date, Attorney Christopher P. August was appointed to represent Mr. Turner. On April 24, 2024, Attorney August filed a letter in this court stating "[i]t is my understanding that the filing of a petition for review divests the Court of Appeals of jurisdiction. Accordingly, I will consider the matter held in abeyance pending an order from the Wisconsin Supreme Court as to the petition for review." He further states that "[i]f this is an incorrect understanding of the current procedural posture, I respectfully request clarification via written order."

Upon all of the foregoing,

IT IS ORDERED that the March 22, 2024 petition for review is dismissed. Mr. Turner is now represented by counsel. This court notes that the court of appeals' February 7, 2024 decision does not limit the issues that may be raised in the postconviction motion that is due in the circuit by May 6, 2024. In the event an adverse decision is issued against Mr. Turner on his postconviction motion, he is able to appeal that decision to the court of appeals.

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Samuel A. Christensen  
Clerk of Supreme Court