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DISTRICT II

October 20, 2014

To:

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

2013AP1620-CRNM State of Wisconsin v. Eric D. Conner (L.C. # 2010CF657)

Before Brown, C.J., Neubauer, P.J., and Reilly, J.

Appointed appellate counsel for Eric Conner filed a WIS. STAT. RULE 809.32 (2011-12) no-merit report. Pursuant to our May 5, 2014 order, counsel filed a supplemental no-merit report under RULE 809.32(1)(f) in which he concluded that issues raised in Conner's response to counsel's no-merit report lacked arguable merit for appeal. Because counsel's supplemental no-merit report was not sufficient, our June 27, 2014 order required counsel to file a second supplemental no-merit report.

Counsel has filed the second supplemental no-merit report. It, too, does not demonstrate that this appeal lacks arguable merit, which this court is required to conclude under WIS. STAT. RULE 809.32(3). Counsel has not adequately addressed the issues raised by Conner or our June 27 order. The second supplemental no-merit report does not substantiate that appellate counsel has undertaken necessary investigation of Conner's claims or that he has exhausted all possibilities for making contact with trial counsel to address Conner's ineffective assistance of counsel claims. The second supplemental no-merit report does not provide sufficient analysis of other claims which counsel has concluded lack arguable merit. Because counsel has not shown that an appeal would lack arguable merit, we reject the no-merit report and dismiss this appeal in favor of further proceedings under WIS. STAT. RULE 809.30.

An informational copy of this order is provided to the State Public Defender.

Upon the foregoing reasons,

IT IS ORDERED that the WIS. STAT. RULE 809.32 no-merit report is rejected and this appeal is dismissed in favor of further proceedings under WIS. STAT. RULE 809.30.

IT IS FURTHER ORDERED that a WIS. STAT. RULE 809.30 postconviction motion or notice of appeal shall be filed within sixty days of the date of this order.

IT IS FURTHER ORDERED that Attorney Timothy O'Connell's WIS. STAT. RULE 809.32 request to withdraw as counsel is denied.

Diane M. Fremgen
Clerk of Court of Appeals