

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN A. RADERMACHER,

Defendant.  
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ORDER

06-C-0741-C  
05-CR-0039-01

This case was scheduled for an evidentiary hearing, to be held on May 24, 2007, to determine whether defendant John A. Radermacher had received effective assistance of counsel in taking an appeal from the sentence imposed on him on April 5, 2006. Now the government has written to advise the court that it cannot defend against defendant's assertion that he was provided effective assistance because his retained trial counsel is unable to explain why he did not file an appeal on defendant's behalf.

Given this concession by the government, I will cancel the May 24 hearing and grant defendant's motion for postconviction relief, vacating defendant's conviction and sentence and reinstating it so that the time for appeal will start running anew.

ORDER

IT IS ORDERED that the judgment and commitment order entered in this case on April 7, 2006, is VACATED.

Entered this 16th day of May, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge