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DISTRICT I

January 15, 2016

To:

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

2015AP1536-CRNM State of Wisconsin v. Marvin Louis Jones (L.C. #2013CF5135)

Before Curley, P.J.

By order dated December 15, 2015, this court directed Attorney Mark S. Rosen to file a supplemental no-merit report on behalf of Marvin Louis Jones. Upon this court's independent review of the record and the no-merit report, we asked counsel to address whether there might be an arguably meritorious claim regarding imposition of the DNA surcharge in this case.

Attorney Rosen, on behalf of Jones, now moves to dismiss the appeal and seeks an extension of time for filing a supplemental postconviction motion in order to pursue a challenge to the DNA surcharge. Because a no-merit report is only appropriate if counsel is convinced that

an appeal would be wholly frivolous, *see McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the motion.

Upon the foregoing,

IT IS ORDERED that the no-merit report in appeal No. 2015AP1536-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a supplemental postconviction motion or notice of appeal in Milwaukee County Circuit Court case No. 2013CF5135 is extended to March 15, 2016.

Diane M. Fremgen
Clerk of Court of Appeals