



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

February 18, 2016

To:

Hon. Rebecca F. Dallet
Circuit Court Judge, Branch 40
Milwaukee County Safety Building
821 W. State Street
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room 114
821 W. State Street
Milwaukee, WI 53233

Russell J. A. Jones
Jones Law Firm LLC
12557 W. Burleigh St., Ste. 8
Brookfield, WI 53005

Karen A. Loebel
Asst. District Attorney
821 W. State St.
Milwaukee, WI 53233

Gregory M. Weber
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Darnell Jerome Young 372603
Kettle Moraine Corr. Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

2015AP2390-CRNM	State of Wisconsin v. Darnell Jerome Young (L.C. # 2013CM2744)
2015AP2391-CRNM	State of Wisconsin v. Darnell Jerome Young (L.C. # 2013CM2598)
2015AP2392-CRNM	State of Wisconsin v. Darnell Jerome Young (L.C. # 2014CM182)
2015AP2393-CRNM	State of Wisconsin v. Darnell Jerome Young (L.C. # 2014CM1716)
2015AP2394-CRNM	State of Wisconsin v. Darnell Jerome Young (L.C. # 2014CF4670)
2015AP2395-CRNM	State of Wisconsin v. Darnell Jerome Young (L.C. # 2014CF5324)

Before Curley, P.J.

By order dated February 8, 2016, this court directed Attorney Russell J.A. Jones, appellate counsel for Darnell Jerome Young, to file a supplemental no-merit report explaining why Young cannot pursue arguably meritorious postconviction motions in these consolidated matters. *See* WIS. STAT. RULE 809.32 (2013-14).¹ Attorney Jones now requests voluntary

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

dismissal, indicating that he has conducted an investigation leading to the conclusion that further proceedings on the merits are warranted. A no-merit proceeding is appropriate only if counsel is convinced that an appeal would be wholly frivolous. *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant the dismissals requested.

Attorney Jones also moves to extend time to file notices of appeal and “for an extension of appellate deadlines going forward.” The court construes counsel’s motion as requesting an extension of the deadlines under WIS. STAT. RULE 809.30(2)(h) for filing postconviction motions or notices of appeal in these matters because, if appellate counsel files timely postconviction motions, further deadlines are determined by the pace of the postconviction proceedings. *See* WIS. STAT. RULE 809.30(2)(j) (establishing the deadline for filing a notice of appeal as twenty days after entry of an order resolving a postconviction motion). Accordingly, the court will grant the motion as construed. To accommodate this court’s procedures at remittitur, the court will extend the deadline somewhat past the March 15, 2016 date requested.

IT IS ORDERED that the no-merit report is rejected and these appeals are dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal under WIS. STAT. RULE 809.30 (2)(h) in each of these matters is extended through April 4, 2016. *See* WIS. STAT. RULE 809.82(2)(a).

Diane M. Fremgen
Clerk of Court of Appeals