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DISTRICT I

March 4, 2016

To:

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

2015AP1739-CRNM State of Wisconsin v. Justin Antonio Moore (L.C. #2013CF2672)

Before Curley, P.J.

By order dated February 1, 2016, we directed Attorney Russell D. Bohach to file a supplemental no-merit report regarding potential issues relating to Justin Antonio Moore's plea and the imposition of a mandatory DNA surcharge. In lieu of the report, counsel moves to voluntarily dismiss this appeal and to extend the time for filing a postconviction motion. Counsel indicates that he has determined there may be a potentially viable issue to pursue. Because a no-merit report is only appropriate if counsel is convinced that an appeal would be wholly frivolous, *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the motion.

IT IS ORDERED that the no-merit report in appeal No. 2015AP1739-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for Moore to file a postconviction motion or notice of appeal is extended to May 2, 2016. *See* WIS. STAT. RULE 809.82(2)(a) (2013-14).

Diane M. Fremgen
Clerk of Court of Appeals