

## OFFICE OF THE CLERK WISCONSIN COURT OF APPEALS

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## DISTRICT I

To:

July 11, 2016

Hon. Joseph W. Voiland Circuit Court Judge 1201 S Spring St Port Washington, WI 53074

Marylou Mueller Clerk of Circuit Court Ozaukee County Circuit Court 1201 South Spring Street Port Washington, WI 53074-0994

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

2015AP518-CRNM State of Wisconsin v. Melvin Lee Wilson (L.C. #2014CF153)

Before Curley, P.J.

By order dated April 12, 2016, we held this no-merit appeal in abeyance at the request of the State Public Defender. The public defender additionally sought leave to appoint successor counsel to represent Melvin Lee Wilson. We granted that request.

Wilson is now represented by Attorney Marcella De Peters, who moves this court to dismiss the previously filed no-merit report and extend the time for filing a postconviction motion. The motion indicates that counsel has spoken to Wilson and believes there may be an issue of arguable merit. 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 request.

Therefore,

IT IS ORDERED that the no-merit report in appeal No. 2015AP518-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for Attorney Marcella De Peters to file a postconviction motion on Wilson's behalf is extended to sixty days from the date of this order. *See* WIS. STAT. RULE 809.82(2)(a) (2013-14).

Diane M. Fremgen Clerk of Court of Appeals