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DISTRICT II

August 2, 2016

To:

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

2015AP1755-CRNM State of Wisconsin v. Parrish O. Martin (L.C. # 2013CF803)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

Parrish O. Martin appeals from a judgment of conviction for possession of heroin with intent to deliver as a second and subsequent offense. His appellate counsel, Attorney Donna Odrzywolski, has filed a no-merit report pursuant to Wis. STAT. RULE 809.32 (2013-14),¹ and *Anders v. California*, 386 U.S. 738 (1967). The appeal was previously put on hold pending a decision by the Wisconsin Supreme Court in *State v. Loomis*, 2016 WI 68, ___ Wis. 2d __,

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

__ N.W.2d __. In consideration of the *Loomis* decision, appellate counsel moves to dismiss the appeal in favor of an extension of time to file a postconviction motion. To return the matter to the circuit court for a postconviction motion we reject the no-merit report, dismiss the appeal, and extend the time under WIS. STAT. RULE 809.30(2)(h), for filing a postconviction motion.

Upon the foregoing reasons,

IT IS ORDERED that the no-merit report is rejected and Attorney Donna Odrzywolski's motion to be relieved of further representation of Parrish O. Martin is denied.

IT IS FURTHER ORDERED that the no-merit appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the time under WIS. STAT. RULE 809.30(2)(h) for filing a postconviction motion is extended to thirty days from remittitur. See WIS. STAT. RULE 809.82(2)(a).

Diane M. Fremgen
Clerk of Court of Appeals