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DISTRICT III/I

January 3, 2017

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

2017AP267-CRNM State of Wisconsin v. Jesse T. Adams
(L.C. # 2014CF328)

Before Brennan, P.J., Kessler and Brash, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Jesse T. Adams appeals from a judgment of conviction, entered upon his no-contest pleas, to one count of repeated sexual assault of the same child (at least three violations of first- or second-degree sexual assault) and one count of possession of child pornography, with both charges as a repeater and subjecting him to lifetime supervision. *See* WIS. STAT. §§ 948.025(1)(e), 948.12(1m), 939.62(1)(c), 939.615(2)(a) (2013-14).¹ He also appeals the order

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

denying his motion for postconviction relief.² Postconviction/appellate counsel, Melissa Petersen, has filed a no-merit report, to which Adams responded. Counsel then filed a supplemental no-merit response. *See Anders v. California*, 386 U.S. 738 (1967); WIS. STAT. Rule 809.32. Based upon a preliminary review of the record, no-merit reports, and response, we previously directed counsel to file an additional supplemental report to address whether there is any arguable merit to challenge the imposition of the DNA surcharges as reflected on the judgment of conviction. We indicated that in the alternative, if counsel identified an issue of merit, she could move to dismiss the appeal and extend the time for filing a postconviction motion.

Attorney Peterson now moves to dismiss the no-merit report and extend the time for filing a postconviction motion. 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. 2017AP267-CRNM is rejected and the appeal is dismissed without prejudice.

² The Honorable Kristina M. Bourget presided over the plea hearing. The Honorable Brian H. Wright presided over the sentencing hearing. The Honorable John F. Manydeeds entered the order denying Adams' postconviction motion.

IT IS FURTHER ORDERED that the deadline for Attorney Petersen to file a postconviction motion on Adams' behalf is extended to March 2, 2018. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Acting Clerk of Court of Appeals