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DISTRICT III

July 12, 2022

To:

Hon. Michael T. Judge
Circuit Court Judge
Electronic Notice

Trisha LeFebvre
Clerk of Circuit Court
Oconto County Courthouse
Electronic Notice

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Jason L. Mulikin 691556
Fox Lake Correctional Inst.
P.O. Box 200
Fox Lake, WI 53933-0200

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

2021AP101-CRNM State of Wisconsin v. Jason L. Mulikin (L. C. No. 2019CF164)

Before Stark, P.J., Hruz and Gill, 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).

Counsel for Jason Mulikin has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20), concluding that no grounds exist to challenge Mulikin's conviction for possession with intent to deliver more than fifty grams of amphetamine. Mulikin was informed of his right to file a response to the no-merit report, and he has not responded.

Upon our initial review of the record and the no-merit report, as mandated by *Anders v. California*, 386 U.S. 738 (1967), this court identified several potential issues of arguable merit. By order dated May 18, 2022, we therefore directed appellate counsel to either: (1) file a

supplemental no-merit report explaining why those potential issues lacked arguable merit; (2) inform us that Mulikin did not want to pursue plea withdrawal based on the identified issues; or (3) move to voluntarily dismiss this no-merit appeal and seek an extension of the time in which to file a postconviction motion.

Appellate counsel filed a supplemental no-merit report, asserting that the issues identified in our May 18, 2022 order lacked arguable merit. On July 1, 2022, after reviewing the supplemental no-merit report, we ordered appellate counsel to further review the potential issue of whether Mulikin's trial attorney was constitutionally ineffective by failing to move to suppress evidence obtained during the search of Mulikin's vehicle.

Appellate counsel has now informed this court that she believes an issue of arguable merit exists. Counsel further informs us that she has consulted with Mulikin and has confirmed that he wishes to pursue any meritorious issues through postconviction proceedings. Counsel therefore moves to voluntarily dismiss this appeal and to extend the time for filing a postconviction motion in the circuit court. Based upon the representations in counsel's motion, we reject the no-merit report, dismiss the appeal, and extend the time for counsel to file a postconviction motion.

Upon the foregoing,

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

IT IS FURTHER ORDERED that the time for filing a postconviction motion is extended to September 5, 2022.

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

Sheila T. Reiff
Clerk of Court of Appeals