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DISTRICT IV

September 23, 2014

To:

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

2013AP1802-CRNM State of Wisconsin v. Kenneth D. Pederson (L.C. #2012CF370)

Before Lundsten, Sherman and Kloppenburg, JJ.

In our previous order in this no-merit appeal we identified two issues for counsel to review further. One of them was whether there was a proper basis for the circuit court to impose a blood draw surcharge of \$25 under Wis. STAT. § 973.06(1)(j) (2011-12). The question was over the factual basis for the \$25 amount. In his response, counsel states that he has concluded there is nothing in the record to support that amount. Therefore, counsel states, he moves this court to “order the prosecution to submit further evidence as to the actual cost of the blood draw.”

Because counsel has concluded there is an issue with arguable merit, this is no longer a no-merit appeal. We dismiss the appeal to allow counsel to file a motion to vacate the surcharge, or for other relief, in circuit court.

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

IT IS FURTHER ORDERED that the time to file a postconviction motion is extended to thirty days from the date of this order.

Diane M. Fremgen
Clerk of Court of Appeals