



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

February 1, 2024

To:

Hon. David L. Borowski
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Pamela Moorshead
Electronic Notice

Andrea Cornwall
Assistant State Public Defender
735 N. Water St., Ste. 912
Milwaukee, WI 53202

Joseph Ehmann
Regional Attorney Manager
Office of the State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

Robert Lee Daniels 439493
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2022AP2156-CRNM State of Wisconsin v. Robert Lee Daniels (L.C. # 2020CF2667)

Before White, C.J., Donald, P.J., and Colón, J.

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).

By order dated December 11, 2023, this court directed Attorney Pamela Moorshead, appellate counsel for Robert Lee Daniels, to file a supplemental no-merit report in this matter. Attorney Moorshead now requests voluntary dismissal of the no-merit appeal and an extension of appellate deadlines to permit the filing of a postconviction motion under WIS. STAT.

RULE 809.30(2)(h) (2021-22).¹ A no-merit appeal is appropriate only if counsel is convinced that further postconviction proceedings would be wholly frivolous. *See McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant the relief requested.

IT IS ORDERED that the no-merit report is rejected and this appeal is dismissed without prejudice. *See* WIS. STAT. RULE 809.18(1).

IT IS FURTHER ORDERED that the deadline for Daniels to file a postconviction motion or notice of appeal pursuant to WIS. STAT. RULE 809.30 is extended through the date thirty days after remittitur. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.