



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 II/I

August 16, 2013

To:

Hon. Mark T. Slate
Circuit Court Judge
P.O. Box 3188
Green Lake, WI 54941

Kyle J. Sargent
District Attorney
P.O. Box 3188
Green Lake, WI 54941-3188

Susan J. Krueger
Clerk of Circuit Court
Green Lake County Courthouse
P.O. Box 3188
Green Lake, WI 54941

Gregory M. Weber
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Daniel Goggin, II
Goggin & Goggin
P.O. Box 646
Neenah, WI 54957-0646

James D. Rose 595259
Oshkosh Corr. Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2013AP1009-CRNM State of Wisconsin v. James D. Rose (L.C. #2012CF27)

Before Curley, P.J.

By order dated July 18, 2013, this court directed Attorney Daniel R. Goggin, II, appellate counsel for James D. Rose, to file a supplemental no-merit report regarding sentencing in this matter. Counsel has responded, advising he now wishes to file a postconviction motion. Counsel therefore moves to withdraw the no-merit report and to extend the deadline for seeking postconviction relief in the circuit court. This court will grant the motions.

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

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal is extended through October 1, 2013. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals