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DISTRICT I

November 8, 2013

To:

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

2013AP1432-CRNM State of Wisconsin v. Arlo E. Enoch (L.C. #2010CF44)

Before Curley, P.J.

By order dated October 18, 2013, this court directed Attorney Hannah B. Schieber, appellate counsel for Arlo E. Enoch, to file a supplemental no-merit report regarding the DNA surcharge imposed in this matter. Counsel has responded, advising that she has concluded that the issue is arguably meritorious. Counsel therefore seeks voluntary dismissal of the no-merit appeal and an extension of the deadline for seeking postconviction relief in the circuit court. A no-merit proceeding is appropriate only if counsel is convinced that an appeal would be wholly

frivolous. *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant the motion.

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 December 23, 2013. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals