



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

March 24, 2014

To:

Hon. David L. Borowski
Circuit Court Judge
Milwaukee County Courthouse
901 N. 9th St.
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room 114
821 W. State Street
Milwaukee, WI 53233

Karen A. Loebel
Asst. District Attorney
821 W. State St.
Milwaukee, WI 53233

Urszula Tempska
Law Office of Urszula Tempska
P.O. Box 11213
Shorewood, WI 53211-0213

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

Daniel Jones 595538
Waupun Corr. Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2013AP2437-CRNM State of Wisconsin v. Daniel Jones (L.C. #2011CF3685)

Before Curley, P.J.

By order dated March 3, 2014, this court directed Attorney Urszula Tempska, appellate counsel for Daniel Jones, to file a supplemental no-merit report discussing two matters. Counsel now advises that Jones wishes to pursue one of the issues raised in our order and, in her view, the issue is arguably meritorious. Counsel therefore moves to voluntarily dismiss the no-merit appeal and to extend 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.¹

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 May 9, 2014. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals

¹ Counsel states that she has directed Jones to personally sign and submit a copy of the motion. Because counsel represents that Jones has approved the voluntary dismissal and accompanying request to extend appellate deadlines, the court accepts the motion filed and signed by appellate counsel on Jones's behalf. Nothing further is required to pursue the relief requested.