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**DISTRICT I**

June 10, 2015

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:

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2014AP2281-CRNM      State of Wisconsin v. Alveria Rogers (L.C. #2013CF1041)

Before Curley, P.J.

By order dated May 8, 2015, this court directed Attorney James Rebholz to file a supplemental no-merit report on behalf of Alveria Rogers. Upon this court's independent review of the record and the no-merit report, we noted a possible *ex post facto* issue related to imposition of the DNA surcharge and asked counsel to address it.

Attorney Rebholz, on behalf of Rogers, now moves to dismiss the appeal and seeks an extension of time for filing a supplemental postconviction motion, stating there may be arguable merit to a challenge to the surcharge. Because a no-merit report is only appropriate if counsel is

convinced that an appeal would be wholly frivolous, *see McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the motion.

Upon the foregoing,

IT IS ORDERED that the no-merit report in appeal No. 2014AP2281-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a supplemental postconviction motion or notice of appeal in Milwaukee County Circuit Court case No. 2013CF1041 is extended to August 10, 2015.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*