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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  
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**DISTRICT I**

January 5, 2015

To:

Hon. Mel Flanagan  
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

Thomas J. Erickson  
Attorney at Law  
316 N. Milwaukee St., Ste. 206  
Milwaukee, WI 53202

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

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

Lafayette L. Fairconatue 458279  
Green Bay Corr. Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

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2015AP1448-CRNM      State of Wisconsin v. Lafayette L. Fairconatue  
(L.C. #2013CF1304)

Before Curley, P.J.

By prior order, this court directed Attorney Thomas J. Erickson, appellate counsel for Lafayette L. Fairconatue, to file a supplemental no-merit report in this matter. Attorney Erickson now seeks voluntary dismissal of the no-merit appeal and moves to extend Fairconatue's postconviction and appellate deadlines. The court infers that counsel has concluded the case presents an arguably meritorious issue. 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). Moreover, an appellant has a right to voluntarily dismiss his or her appeal prior to

disposition. *See State v. Lee*, 197 Wis. 2d 959, 962, 542 N.W.2d 143 (1996). Accordingly, the court will grant the relief requested. Fairconatue does not state the length of the extension he requires. The court will allow an appropriate extension that accommodates this court's procedures at remittitur.

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 in this matter is extended through March 7, 2016. *See WIS. STAT. RULE 809.82(2)(a)* (2013-14).

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