



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

January 6, 2016

To:

Hon. Carolina Stark
Circuit Court Judge
901 N. 9th St.
Milwaukee, WI 53233

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

Marisa Rae Dondlinger
N76W16147 Sherwood Dr.
P.O. Box 233
Menomonee Falls, WI 53052-0233

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

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

2015AP1563-CRNM State of Wisconsin v. Daniel Ray Perry (L.C. #2014CF3164)

Before Curley, P. J.

By order dated December 15, 2015, this court directed Attorney Marisa Rae Dondlinger, appellate counsel for Daniel Ray Perry, to file a supplemental no-merit report in this matter. Attorney Dondlinger now advises that, in her view, the no-merit appeal should be dismissed to permit Perry to pursue a postconviction motion that counsel believes is meritorious. Counsel therefore seeks voluntary dismissal of the no-merit appeal and an extension of the deadline for pursuing 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 relief. To accommodate the court's

procedures at remittitur, the court will allow Perry an extension of appellate deadlines slightly longer than requested.

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 February 22, 2016. *See* WIS. STAT. RULE 809.82(2)(a) (2013-14).

Diane M. Fremgen
Clerk of Court of Appeals