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**WISCONSIN COURT OF APPEALS**

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**DISTRICT II**

May 6, 2016

To:

Hon. Robert J. Kennedy  
Circuit Court Judge  
Walworth County Courthouse  
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Elkhorn, WI 53121-1001

Hon. David M. Reddy  
Circuit Court Judge  
Walworth County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2015AP1591-CRNM      State of Wisconsin v. Kevin L. Harris (L.C. # 2010CF168)

Before Reilly, P.J., Gundrum and Hagedorn, JJ.

In conducting a no-merit review we observed that the record did not demonstrate why restitution was imposed in the face of the request for a restitution hearing. We questioned whether the requested restitution hearing was held. Appointed counsel was required to file a supplemental no-merit addressing whether there was any potential issue regarding restitution. In response, counsel moves to dismiss the no-merit appeal in favor of an extension of time to file a postconviction motion. To return the matter to the circuit court for a postconviction motion we

reject the no-merit report, dismiss the appeal, and extend the time under WIS. STAT. RULE 809.30(2)(h) (2013-14),<sup>1</sup> for filing a postconviction motion.

Upon the foregoing reasons,

IT IS ORDERED that the no-merit report is rejected and Attorney Russel D. Bohach's motion to be relieved of further representation of Kevin L. Harris is denied.

IT IS FURTHER ORDERED that the no-merit appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the time under WIS. STAT. RULE 809.30(2)(h), for filing a postconviction motion is extended to thirty days from remittitur. *See* WIS. STAT. RULE 809.82(2)(a).

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

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.