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DISTRICT I

July 22, 2016

To:

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Circuit Court Judge
Br. 15
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You are hereby notified that the Court has entered the following opinion and order:

2016AP243-CRNM State of Wisconsin v. Shaker W. Davis, IV (L.C. # 2012CF6060)

Before Curley, P.J.

By order dated June 29, 2016, this court directed Attorney Benjamin T. Van Severen, appellate counsel for Shaker W. Davis, IV, to file a supplemental no-merit report in this matter. Attorney Van Severen now advises that, in his view, Davis has meritorious grounds for further postconviction proceedings. Counsel therefore moves to voluntarily dismiss the no-merit appeal and to extend the deadline for filing a postconviction motion or notice of appeal. 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

motions. To accommodate this court's procedures at remittitur, the court will grant 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 September 6, 2016. *See* WIS. STAT. RULE 809.82(2)(a) (2013-14).

Diane M. Fremgen
Clerk of Court of Appeals