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**DISTRICT I**

July 22, 2016

To:

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Milwaukee County Courthouse  
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Clerk of Circuit Court  
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You are hereby notified that the Court has entered the following opinion and order:

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2015AP2411-CRNM      State of Wisconsin v. Andreas L. Moore, Jr. (L.C. # 2014CF2531)

Before Curley, P.J.

By order dated June 20, 2016, this court directed Attorney Richard L. Zaffiro to file a supplemental no-merit report on behalf of Andreas L. Moore, Jr. Upon this court's independent review of the record, the no-merit report, and Moore's response, we noted that while Moore maintained he was not the shooter in this matter, trial counsel had not called a witness who, according to discovery materials, had identified someone else as the shooter. In addition, we observed that the circuit court had imposed two mandatory DNA surcharges, apparently contrary to *State v. Radaj*, 2015 WI App 50, ¶35, 363 Wis. 2d 633, 866 N.W.2d 758.

Attorney Zaffiro, on behalf of Moore, filed a supplemental report addressing the supposed eyewitness. However, Moore also moves to dismiss the appeal and seeks an extension of time for filing a supplemental postconviction motion in order to address the DNA issue. 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. 2015AP2411-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. 2014CF2531 is extended to September 20, 2016.

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