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DISTRICT I

January 24, 2017

To:

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

2016AP1516-CRNM State of Wisconsin v. Michael Leshawn Gray (L.C. # 2013CF2444)

Before Brennan, P.J.

By order dated January 3, 2017, this court directed Attorney Peter O. Bockhorst, appellate counsel for Michael L. Gray, to file a supplemental no-merit report in this matter. Attorney Bockhorst now requests voluntary dismissal of the no-merit appeal and an extension of the deadline for pursuing postconviction relief in the circuit court. The requests indicate that counsel believes the case presents at least one 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). Accordingly, the court will grant relief.

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 March 10, 2017. *See* WIS. STAT. RULE 809.82(2)(a) (2015-16).

Diane M. Fremgen
Clerk of Court of Appeals