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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](http://www.wicourts.gov)

**DISTRICT I**

**Amended August 30, 2017, as to appellant's name**  
August 21, 2017

*To:*

Hon. M. Joseph Donald  
Circuit Court Judge  
Children's Court Center  
10201 W. Watertown Plank Rd.  
Wauwatosa, WI 53226

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

Paul G. Bonneson  
Law Offices of Paul G. Bonneson  
Third Floor, Suite 407  
10909 W. Bluemound Rd.  
Wauwatosa, WI 53226

Karen A. Loebel  
Asst. District Attorney  
821 W. State St.  
Milwaukee, WI 53233

Criminal Appeals Unit  
Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857

Roger Curtis Woodruff  
9636 W. Capitol Dr., Apt. #4  
Milwaukee, WI 53222

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

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2016AP655-CRNM      State of Wisconsin v. Roger Curtis Woodruff (L.C. # 2013CF5039)

Before Brennan, P.J., Brash and Dugan, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Roger Curtis Woodruff appeals a judgment convicting him of burglary and misdemeanor damage to property. Attorney Paul G. Bonneson filed a no-merit report seeking to withdraw as

appellate counsel. *See* WIS. STAT. RULE 809.32 (2015-16),<sup>1</sup> and *Anders v. California*, 386 U.S. 738, 744 (1967). Woodruff was advised of his right to respond, but he has not done so. Because an arguably meritorious appellate issue exists with regard to the court-imposed DNA surcharges, we reject the no-merit report.

Specifically, we conclude that our recent decision in *State v. Williams*, 2017 WI App 46, \_\_\_ Wis. 2d \_\_\_, \_\_\_ N.W.2d \_\_\_, *petitions for review pending*, compels us to reject the no-merit report, dismiss the appeal, and extend the time for Woodruff to file a WIS. STAT. RULE 809.30 postconviction motion challenging the DNA surcharges imposed on him. *Williams* holds that the imposition of the mandatory DNA surcharge for a single felony conviction that was discretionary when the crime was committed violates the *ex post facto* prohibition when applied to a defendant who has already given a DNA sample. *See id.*, 2017 WI App 46, ¶26. Under *Williams*, Woodruff—who, according to the circuit court on-line docket entries, has previously paid a DNA surcharge—has an arguably meritorious challenge to the imposition of the DNA surcharges that may be raised in the circuit court by a postconviction motion. *See id.*, ¶27.

Therefore,

IT IS ORDERED that the no-merit report is rejected and this appeal is dismissed without prejudice. Attorney Bonneson or a successor counsel appointed by the State Public Defender shall continue to represent Woodruff.

IT IS FURTHER ORDERED that the time for Woodruff to file a postconviction motion is extended to sixty days from the date of this order.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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