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DISTRICT II

November 1, 2017

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

2016AP1664-CRNM State of Wisconsin v. Michael J. Purdy (L.C. # 2015CF206)

Before Neubauer, C.J., Reilly, P.J., and Hagedorn, J.

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).

Michael J. Purdy appeals from a judgment of conviction for reckless driving causing great bodily harm and second-degree reckless injury. Attorney Kara L. Mele filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16),¹ and *Anders v. California*, 386 U.S. 738

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

(1967). Since the filing of that report, we placed this appeal on hold pending a decision by the Wisconsin Supreme Court in *State v. Odom*, No. 2015AP2525-CR (certification granted Sept. 12, 2017), allowed the substitution of appointed counsel, and allowed Purdy to file an amended response to counsel's no-merit report which was received October 5, 2017. Successor appointed counsel, Assistant State Public Defender Catherine Malchow, moves to withdraw the no-merit report, dismiss the appeal, and allow an extension of time to file a WIS. STAT. RULE 809.30(2)(h) postconviction motion. The motion indicates that upon review of the case and Purdy's response, counsel believes there is an issue of arguable merit. 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 RULE 809.30(2)(h), for filing a postconviction motion.

Upon the foregoing reasons,

IT IS ORDERED that the April 25, 2017 order holding the appeal in abeyance is vacated.

IT IS FURTHER ORDERED that the no-merit report is rejected and 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 sixty days from the date of this order. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Clerk of Court of Appeals