



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

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

DISTRICT III

February 16, 2018

To:

Hon. Michael J. Piontek
Circuit Court Judge
730 Wisconsin Avenue
Racine, WI 53403

Samuel A. Christensen
Clerk of Circuit Court
Racine County Courthouse
730 Wisconsin Avenue
Racine, WI 53403

Patricia J. Hanson
District Attorney
730 Wisconsin Avenue
Racine, WI 53403

Colleen Marion
Assistant State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

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

Marcus Lynn Taylor 339453
Waupun Corr. Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2017AP594-CRNM State of Wisconsin v. Marcus Lynn Taylor (L.C. # 2011CF748)

Before Kessler, 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).

Marcus Lynn Taylor, by Attorney Colleen Marion, moves to dismiss the pending no-merit appeal and extend the time for filing a postconviction motion. Counsel had previously filed a no-merit report, Taylor filed a no-merit response, and counsel filed a supplemental no-merit report. The motion indicates that “[u]pon further consideration and research, counsel is of the opinion that this case is not without merit.” Because a no-merit report is only appropriate if

counsel is convinced that an appeal would be wholly frivolous, *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant the motion.

IT IS ORDERED that the no-merit report in appeal No. 2017AP594-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for Taylor to file a postconviction motion or notice of appeal in Racine County Circuit Court case No. 2011CF748 is extended to April 16, 2018. *See* WIS. STAT. RULE 809.82(2)(a) (2015-16).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Acting Clerk of Court of Appeals