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DISTRICT I

July 27, 2018

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:

2016AP568-CR State of Wisconsin v. Tarrel T. Robertson (L.C. # 2013CF3398)

Before Kessler, 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).

On September 12, 2017, this court released a per curiam decision affirming the judgment against Defendant-Appellant Tarrel T. Robertson in part, as it related to the circuit court's order denying Robertson's motion to suppress. However, we reversed the portion of the judgment and the postconviction order relating to the DNA surcharge. We remanded with directions that the

circuit court apply the surcharge statute that was in effect when Robertson committed the underlying crime.

On July 10, 2018, the Wisconsin Supreme Court issued an order denying the petition for review filed by Robertson and granting the petition for review filed by Plaintiff-Respondent State of Wisconsin. Our supreme court further ordered:

[T]hat the portion of the court of appeals' decision in this case finding that imposition of [the] mandatory DNA surcharge is an ex post facto violation is summarily reversed and the case is remanded to the court of appeals for further proceedings in light of this court's decision in *State v. Williams*, 2018 WI 59[, 381 Wis. 2d 661, 912 N.W.2d 661].

We conclude that no further proceedings are necessary. Instead, we vacate the mandate in our September 12, 2017 decision and summarily affirm the judgment and order. Pursuant to the Wisconsin Supreme Court's decision in *Williams*, Robertson is not entitled to relief from the DNA surcharge.

Therefore,

IT IS ORDERED that the mandate in this court's September 12, 2017 decision is vacated and the judgment and order are summarily affirmed. *See* WIS. STAT. RULE 809.21 (2015-16).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals