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**DISTRICT I**

October 31, 2019

To:

Hon. Michelle Ackerman Havas  
Circuit Court Judge  
Milwaukee County Courthouse  
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Milwaukee, WI 53233

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Clerk of Circuit Court  
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P.O. Box 2500  
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You are hereby notified that the Court has entered the following opinion and order:

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2019AP597-CRNM      State of Wisconsin v. Darius Darnell Moffett (L.C. # 2016CF3932)

Before Brash, P.J., Kessler 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).**

Darius Darnell Moffett appeals from a judgment of conviction for operating a motor vehicle without the owner's consent, burglary, and bail jumping, all as a habitual offender. His appellate counsel, Attorney Jeffrey W. Jensen, filed a no-merit report pursuant to WIS. STAT.

RULE 809.32 (2017-18),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Moffett filed a response to the no-merit report and counsel then filed a supplemental no-merit report. RULE 809.32(1)(e), (f). On September 23, 2019, this court ordered Attorney Jensen to file a second supplemental no-merit report. In the second supplement report Attorney Jensen indicates that he now believes further postconviction proceedings have arguable merit. Accordingly, we reject the no-merit report, dismiss this appeal without prejudice, and extend the deadline for filing a postconviction motion. Therefore,

IT IS ORDERED that the no-merit report is rejected and Attorney Jeffrey W. Jensen's motion to be relieved of further representation of Darius Moffett is denied.

IT IS FURTHER ORDERED that 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 remittitur. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.