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DISTRICT I

November 6, 2019

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:

2018AP1199-CRNM State of Wisconsin v. Demiterece Lashun Harper
(L.C. # 2015CF1323)

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).

By order dated September 18, 2019, this court directed Attorney Daniel P. Murray, appellate counsel for Demiterece Lashun Harper, to file a supplemental no-merit report in this matter. Attorney Murray now advises that the case presents at least one arguably meritorious issue and requests voluntary dismissal of the no-merit appeal and an extension of appellate

deadlines. A no-merit appeal is appropriate only if counsel is convinced that further postconviction proceedings would be wholly frivolous. *See McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988). Accordingly, the court will grant relief. To accommodate this court's procedures at remittitur, the court will grant an extension of appellate deadlines somewhat longer than requested.

IT IS ORDERED that the no-merit report is rejected and this appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for filing a postconviction motion or notice of appeal is extended through January 6, 2020. *See* WIS. STAT. RULE 809.82(2)(a) (2017-18).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals