



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 II

February 7, 2020

To:

Hon. Paul V. Malloy
Circuit Court Judge
Ozaukee County Circuit Court
1201 S. Spring St.
Port Washington, WI 53074-0994

Marylou Mueller
Clerk of Circuit Court
Ozaukee County Circuit Court
1201 S. Spring St.
Port Washington, WI 53074-0994

Eileen T. Evans
Law Office of Eileen T. Evans, LLC
P.O. Box 64
West Bend, WI 53095

Adam Y. Gerol
District Attorney
P.O. Box 994
Port Washington, WI 53074-0994

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

Robert J. Pettis Jr. 186183
Fox Lake Correctional Inst.
P.O. Box 200
Fox Lake, WI 53933-0200

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

2019AP814-CRNM State of Wisconsin v. Robert J. Pettis, Jr. (L.C. #2015CF232)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, 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).

Robert J. Pettis, Jr. appeals from a judgment of conviction for burglary, as a repeater. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹

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

and *Anders v. California*, 386 U.S. 738 (1967). Pettis filed a response to the no-merit report. RULE 809.32(1)(e). On January 3, 2020, we required counsel to file either a supplemental no-merit report addressing Pettis's response or a motion to dismiss the appeal in favor of an extension of time to pursue postconviction relief. In response, counsel filed a motion to extend the time to file a postconviction motion. Implicit in the motion is that counsel now believes a no-merit conclusion is not possible and that Pettis wants to pursue postconviction relief. Pettis requests an extension of time to file a postconviction until April 6, 2020 because counsel is waiting for a response from the Department of Corrections (DOC) on a sentence credit issue. How the sentence credit issue is resolved with the DOC may affect the content of the postconviction motion. Therefore, the requested extension is granted.

Upon the foregoing reasons,

IT IS ORDERED that the no-merit report is rejected and the appeal is dismissed.

IT IS FURTHER ORDERED that the time under WIS. STAT. RULE 809.30(2)(h), for filing a postconviction motion or notice of appeal is extended to April 6, 2020.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals