



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 20, 2020

To:

Hon. Ralph M. Ramirez
Circuit Court Judge
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Gina Colletti
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Angela Conrad Kachelski
Kachelski Law Office
7101 N. Green Bay Ave., Ste. 6A
Milwaukee, WI 53209

Susan Lee Opper
District Attorney
515 W. Moreland Blvd., Rm. G-72
Waukesha, WI 53188-2486

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

Daniel P. Wincapaw 208650
Kenosha Corr. Center
6353 14th Ave.
Kenosha, WI 53143

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

2018AP1398-CRNM State of Wisconsin v. Daniel P. Wincapaw (L.C. # 2016CF196)

Before Reilly, P.J., Gundrum and Davis, 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).

Appellate counsel for Daniel P. Wincapaw filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ concluding that there would be no arguable merit to any possible

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

issue that could be raised by postconviction motion or appeal. After conducting our independent record review, we discovered a potentially meritorious sentence credit issue and, by order dated January 17, 2020, directed counsel to file either a supplemental no-merit report or a motion seeking to voluntarily dismiss the appeal in favor of an extension of the time to file a postconviction motion in the circuit court.

By letter dated February 14, 2020, appellate counsel informs this court that after further investigation, Wincapaw seeks to voluntarily dismiss the appeal and reinstate his WIS. STAT. RULE 809.30 direct appeal right so that he can file a postconviction motion in the circuit court. Acting on counsel's motion, we dismiss the appeal and extend the time for counsel to file a RULE 809.30 postconviction motion in the circuit court. Therefore,

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

IT IS FURTHER ORDERED that the time for filing a postconviction motion is extended to thirty days after remittitur.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals