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**DISTRICT I**

February 23, 2023

To:

Hon. Michael J. Hanrahan  
Circuit Court Judge  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Winn S. Collins  
Electronic Notice

John D. Flynn  
Electronic Notice

Annice Kelly  
Electronic Notice

Marvin Frank Robinson  
2539 N. 27th Street  
Milwaukee, WI 53201

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

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2019AP2278-CRNM      State of Wisconsin v. Marvin Frank Robinson  
(L.C. # 2017CF5309)

Before Brash, C.J., Donald, P.J., and White, 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).**

Marvin Frank Robinson appeals from a judgment convicting him of stalking, knowingly violating a domestic abuse order, intentionally contacting a victim, escaping a criminal arrest, and resisting an officer. Appellate counsel, Annice Kelly, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22) and *Anders v. California*, 386 U.S. 738 (1967).<sup>1</sup> Robinson responded. This court subsequently directed counsel to file a supplemental no-merit report

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

addressing whether a domestic abuse assessment was properly imposed against Robinson on one of the charges for which he was convicted. The court indicated that in the alternative, if counsel identified an issue of merit, she could move to dismiss the appeal and extend the time for filing a postconviction motion.

Attorney Kelly now advises that Robinson wishes to pursue a postconviction motion and seeks to extend the time for filing a postconviction motion.<sup>2</sup> Because a no-merit report is only appropriate if counsel is convinced that an appeal would be wholly frivolous, *McCoy v. Court of Appeals*, 486 U.S. 429, 437 (1988), this court will grant counsel's request for an extension of time to pursue a postconviction motion.

Therefore,

IT IS ORDERED that the no-merit report in appeal No. 2019AP2278-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for Attorney Kelly to file a postconviction motion on Robinson's behalf is extended to March 23, 2023. *See* WIS. STAT. RULE 809.82(2)(a).

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<sup>2</sup> Counsel sought an extension until March 3, 2023. The court will grant her an extension that is slightly longer than requested.

In a separate filing, Robinson confirmed that he wishes to have Attorney Kelly pursue a postconviction motion.

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*