



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 I

April 24, 2023

To:

Hon. Stephanie Rothstein
Circuit Court Judge
Electronic Notice

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

Winn S. Collins
Electronic Notice

Angela Conrad Kachelski
Electronic Notice

Deshawn Perry Moore 659486
Wisconsin Secure Program Facility
P.O. Box 1000
Boscobel, WI 53805-1000

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

2021AP2150-CRNM State of Wisconsin v. Deshawn Perry Moore (L.C. # 2018CF2280)

Before Brash, C.J., Dugan and White, 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).

Deshawn Perry Moore appeals the judgment entered after he pled guilty to felony murder.¹ His appellate counsel, Angela Conrad Kachelski, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22) and *Anders v. California*, 386 U.S. 738 (1967).² Moore was advised of his right to file a response and has elected not to do so. Following a preliminary

¹ The Honorable Mark Sanders presided over Moore's plea hearing. The Honorable Stephanie Rothstein sentenced Moore and entered the judgment of conviction.

² All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

review of the record, this court directed counsel to file a supplemental no-merit report addressing the sufficiency of the guilty plea colloquy and whether there was a breach of the plea negotiations by the State. 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 Kachelski now advises that there are issues of merit in this case to be pursued. She seeks to dismiss the no-merit appeal and extend the time for filing a postconviction motion. 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. 2021AP2150-CRNM is rejected and the appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the deadline for Attorney Kachelski to file a postconviction motion on Moore's behalf is extended to June 26, 2023. *See* WIS. STAT. RULE 809.82(2)(a).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals