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DISTRICT I

February 5, 2013

To:

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

2012AP1312-CRNM State of Wisconsin v. Yves P. McKinnie (L.C. #2011CF0510)

Before Curley, P.J.

By order dated January 24, 2013, this court directed Attorney John Richard Breffeilh, appellate counsel for Yves P. McKinnie, to file a supplemental no-merit report in regard to the DNA surcharge imposed in this matter. Counsel has responded, advising he now concludes that arguably meritorious issues exist for appeal. Counsel therefore moves to dismiss this no-merit appeal and to extend the deadline for seeking postconviction relief. The court will grant the motions.

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 March 22, 2013. *See* WIS. STAT. RULE 809.82(2)(a) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals