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DISTRICT I/II

June 25, 2013

To:

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

2013AP439-CRNM State of Wisconsin v. Chad Leedy (L.C. # 2011CF5325)

Before Neubauer, P.J., Reilly and Gundrum, JJ.

Chad Leedy appeals from a judgment of conviction for one count of theft by fraud and one count of fraud against a financial institution, both as a party to a crime. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12)¹ and *Anders v. California*, 386 U.S. 738 (1967).

¹ All references to the Wisconsin Statutes are to the 2011-12 version.

Upon review of the record, we concluded that further action was necessary from appellate counsel. Accordingly, we issued an order on June 11, 2013, requiring counsel to consult with Leedy regarding a potential issue of arguable merit concerning the circuit court's imposition of a DNA surcharge.

Counsel has now filed a response to this court's order. In it, counsel confirms that Leedy wishes to pursue a post-conviction motion regarding the DNA surcharge. Counsel asks this court to dismiss the appeal and extend the deadline for filing a postconviction motion. The requested relief is appropriate. Therefore,

IT IS ORDERED that the appeal is dismissed pursuant to WIS. STAT. RULE 809.18.

IT IS FURTHER ORDERED that the time for filing a postconviction motion under WIS. STAT. RULE 809.30, is extended to July 25, 2013. *See* WIS. STAT. RULE 809.82(2)(a).

Diane M. Fremgen
Clerk of Court of Appeals