

No. 98-2635-CR

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT II

STATE OF WISCONSIN,

FILED

PLAINTIFF-RESPONDENT,

January 28, 1999

V.

CLERK OF
COURT OF APPEALS
OF WISCONSIN

STEPHEN E. LEE,

DEFENDANT-APPELLANT.

ERRATA SHEET

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Waukesha, WI 53188-1672

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Madison, WI 53703

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PLEASE TAKE NOTICE that the attached page 2 is to be substituted for page 2 in the above-captioned opinion which was released on January 20, 1999.

sentencing a repeater. Because we conclude that Lee's issues are not supported in the record or in the law, we affirm.

Lee was arrested on July 5, 1997, in front of the Farm & Fleet store in the city of Waukesha on suspicion of retail theft. After his arrest, he was taken directly to the police station and subsequently held in the Waukesha County Jail by order of his probation agent. Five days after his arrest, Lee was released to his agent. The police report on the retail theft was referred to the district attorney's office for review and a summons and complaint were issued on November 3, 1997. The State charged Lee with one count of retail theft in violation of § 943.50(1m), STATS., and as a repeater under § 939.62(1)(a), STATS. Because the summons and complaint were mailed to the wrong address, Lee did not make his initial appearance and an arrest warrant was issued. Lee was picked up on the warrant on February 6, 1998.

Lee represented himself throughout the proceedings. He filed at least nine motions in the trial court. One of the motions sought dismissal for lack of personal jurisdiction and alleged that Lee was held in the county jail for a week without being brought before a magistrate for a probable cause determination. The trial court denied the motion. The trial court held that Lee was in custody pursuant to a probation hold, not because of the alleged retail theft, and a probable cause hearing was not required. Following the denial of all of his motions, Lee entered an *Alford* plea to the single count of retail theft.¹ During the plea colloquy, the State presented the court with certified copies of convictions to support the

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).