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**DISTRICT IV**

October 26, 2023

To:

Hon. W. Andrew Voigt  
Circuit Court Judge  
Electronic Notice

Julie Kayartz  
Clerk of Circuit Court  
Columbia County Courthouse  
Electronic Notice

David R. Karpe  
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Crystal N. Long  
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Bobby J. Taylor, Jr. 613904  
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:

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2021AP1331-CRNM      State of Wisconsin v. Bobby J. Taylor, Jr. (L.C. #2017CF76)

Before Graham, Nashold, and Taylor, 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).**

Attorney David Karpe, as appointed counsel for Bobby Taylor, Jr., filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Taylor with a copy of the report, and both counsel and this court advised him of his right to file a response. Taylor has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our independent

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

review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Taylor pled no contest to one count of possession of child pornography. The court imposed ten years of initial confinement and ten years of extended supervision.

Taylor filed a postconviction motion to withdraw his plea on the ground that the charge in this case was identical in fact and law to an earlier conviction, or for resentencing on that same ground, to make his sentence in this case concurrent with the earlier sentence. He also sought resentencing on the ground that he was sentenced on inaccurate information regarding items possessed by Taylor. The motion was denied without an evidentiary hearing.

There is no arguable merit to an appeal of the issues raised in the postconviction motion. As to the double jeopardy claim, it would be frivolous to argue on appeal that the circuit court erred by denying the motion without a hearing. This is because the motion did not allege facts which, if true, would entitle Taylor to relief. The motion asserted that the conduct with which Taylor was charged was the same conduct for which he was previously convicted. The motion failed, however, to allege the facts of his previous conviction that would have allowed for a meaningful evaluation of this claim. This same flaw means there is no arguable merit regarding the motion to make the sentences concurrent.

Regarding the argument that the circuit court sentenced Taylor based on inaccurate information about the items he possessed at the time of the crime, the court denied this part of the motion because Taylor had not shown that the court relied on this information in sentencing. We agree that the court's statements at sentencing do not show reliance on this information.

We turn next to other issues that could have been included in the postconviction motion, but were not. The no-merit report addresses whether Taylor’s plea was entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Taylor was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses Taylor’s sentence. The sentence is within the legal maximum. As to discretionary issues, the standards for the circuit court and this court are well-established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment of conviction and order denying postconviction relief are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Karpe is relieved of further representation of Taylor in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*