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DISTRICT II

December 6, 2023

To:

Hon. Daniel Steven Johnson
Circuit Court Judge
Electronic Notice

Kristina Secord
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Jill Marie Skwor
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Marten K. Hester
c/o Debbie Zaverl
160 S. Whiton St.
Whitewater, WI 53190

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

2023AP1103-CRNM	State of Wisconsin v. Marten K. Hester (L.C. #2021CF450)
2023AP1104-CRNM	State of Wisconsin v. Marten K. Hester (L.C. #2022CF117)

Before Neubauer, Grogan and Lazar, 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).

In these consolidated cases, Marten K. Hester appeals from judgments convicting him of (1) operating while intoxicated causing injury as a second or subsequent offense; and (2) felony bail jumping. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Hester received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of

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

the report and an independent review of the records, we conclude there are no issues with arguable merit for appeal. We summarily affirm the judgments. *See* WIS. STAT. RULE 809.21.

Hester was convicted following guilty pleas to (1) operating while intoxicated causing injury as a second or subsequent offense; and (2) felony bail jumping. The first charge stemmed from a two-vehicle crash caused by Hester's drunk driving, which injured two people.² The second charge stemmed from a subsequent violation of a bond condition, which prohibited Hester from consuming alcohol. For his actions, the circuit court withheld sentence and ordered Hester to complete a three-year term of probation with twelve months of conditional jail time, a \$3,800 fine, and costs. These no-merit appeals follow.

The no-merit report addresses whether Hester's pleas were knowingly, voluntarily, and intelligently entered and had a factual basis, and whether the circuit court properly exercised its discretion at sentencing. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the records discloses no other potential issues for appeal.³ Accordingly, this court accepts the no-merit report, affirms the judgments of conviction, and discharges appellate counsel of the obligation to represent Hester further in these appeals.

² One of the victims suffered a sprained right knee and bruising to his right rib cage. The other victim required twenty stitches for his forehead and right arm.

³ We note that Hester's pleas forfeited the right to raise other nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Jill Marie Skwor is relieved of further representation of Marten K. Hester in these appeals. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals