



*Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that there are no arguably meritorious issues for appeal.

The State charged Steinmetz with operating a motor vehicle while intoxicated (OWI) and operating with prohibited alcohol concentration (PAC) (each as fifth or sixth offense)<sup>2</sup> after Steinmetz drove a car into a ditch and the responding tow truck driver notified police that Steinmetz appeared intoxicated. Steinmetz agreed to plead no contest to the PAC count with the freedom to argue for the mandatory minimum sentence of one year of initial confinement, a \$600 fine, and a lifetime revocation of his driver's license in exchange for the State's recommendation of the presumptive minimum sentence of eighteen months' initial confinement followed by eighteen months' extended supervision. The circuit court accepted Steinmetz's plea after conducting a plea colloquy, reviewing Steinmetz's signed plea questionnaire, and ascertaining that there was a factual basis to support the plea—including that Steinmetz had four prior OWI convictions.

The circuit court subsequently held a sentencing hearing at which Steinmetz presented testimony and several letters from character witnesses, and the parties each recommended sentences in accordance with the plea agreement. After hearing from the parties, the court discussed Steinmetz's character at length and explained why it could not conclude that deviating downward from the presumptive minimum sentence would serve the public interest. The court then imposed eighteen months' initial confinement followed by eighteen months' extended

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<sup>2</sup> The OWI count was dismissed in an amended Information and is not at issue on this appeal.

supervision, with seventy-seven days of sentence credit, a fine of \$600, and a lifetime revocation of Steinmetz's driver's license.

Upon reviewing the record, we agree with counsel's discussion and conclusion that Steinmentz has no arguably meritorious basis to challenge either his plea or sentence. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*. Accordingly, counsel shall be allowed to withdraw, and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kirk D. Henley is relieved of further representation of Michael J. Steinmetz, Jr., 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*