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DISTRICT II

February 14, 2024

To:

Hon. Tricia Walker
Circuit Court Judge
Electronic Notice

Michelle Weber
Clerk of Circuit Court
Fond du Lac County Courthouse
Electronic Notice

Carlos Bailey
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Lew A. Brown, #204021
Jackson Correctional Inst.
P.O. Box 233
Black River Falls, WI 54615-0233

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

2023AP1207-CRNM State of Wisconsin v. Lew A. Brown (L.C. #2020CF624)

Before Gundrum, P.J., 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).

Lew A. Brown appeals from a judgment of conviction imposing sentence after the revocation of his probation. 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). Brown received a copy of the report, was advised of his right to file a response, and has not responded. Upon consideration of the report and an independent review of the record, we conclude that the

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

judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

As relevant to this no-merit appeal, Brown was convicted of felony bail jumping. The circuit court withheld sentence on this count and placed Brown on probation. His probation was revoked after he was charged with several drug offenses. He then appeared before the circuit court for sentencing after revocation. The circuit court imposed a sentence of two years' initial confinement and three years' extended supervision. This no-merit appeal follows.

The no-merit report addresses whether the circuit court properly exercised its discretion in imposing its sentence after revocation. This court is satisfied that the no-merit report correctly analyzes the issue it raises as without merit, and this court will not discuss it further.

Our review of the record discloses no other potential issues for appeal.² Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Brown further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Carlos Bailey is relieved of further representation of Lew A. Brown in this appeal. *See* WIS. STAT. RULE 809.32(3).

² Any challenge to the underlying conviction is outside the scope of this appeal. *See State ex rel. Marth v. Smith*, 224 Wis. 2d 578, 582 n.5, 592 N.W.2d 307 (Ct. App. 1999). Review of probation revocation is by way of certiorari review to the court of conviction. *Id.* at 583.

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

Samuel A. Christensen
Clerk of Court of Appeals