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DISTRICT IV

May 23, 2024

To:

Hon. Nicholas J. Brazeau Jr.
Circuit Court Judge
Electronic Notice

Heather Bravener
Clerk of Circuit Court
Clark County Courthouse
Electronic Notice

Gregory Bates
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Tyler D. Zimmerman 611253
New Lisbon Correctional Inst.
P.O. Box 2000
New Lisbon, WI 53950-2000

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

2023AP580-CRNM State of Wisconsin v. Tyler D. Zimmerman (L.C. # 2016CF8)

Before Kloppenburg, P.J., Graham, 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 Gregory Bates, as appointed counsel for Tyler Zimmerman, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Zimmerman with a copy of the report, and both counsel and this court advised him of his right to file a response. Zimmerman has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our

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

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

In 2016, Zimmerman was convicted of one felony count of eluding an officer. Sentence was withheld and he was placed on probation. In 2020, he rejected his probation and was sentenced to eighteen months of initial confinement and two years of extended supervision. After prevailing on a postconviction motion, in 2022 Zimmerman was resentenced, and received the same sentence, although this time it was made consecutive to other sentences that had been imposed in the meantime. Because the amount of sentence credit that had accrued in this case exceeded eighteen months, the practical effect of this sentence appears to have been to add only consecutive extended supervision time.

The no-merit report addresses Zimmerman'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 is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Bates is relieved of further representation of Zimmerman in this matter. *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