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**DISTRICT III**

December 17, 2013

To:

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Outagamie County Courthouse  
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Appleton, WI 54911

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

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2013AP1219-CRNM      State of Wisconsin v. Bob L. Hooker  
2013AP1220-CRNM      (L. C. ##2010CF471, 2011CF549)

Before Hoover, P.J., Mangerson and Stark, JJ.

Counsel for Bob Hooker has filed a no-merit report concluding there is no basis to challenge Hooker's convictions for failure to pay child support. Hooker was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised and summarily affirm.

This is a consolidated appeal from two judgments of conviction. The charges arose from Hooker's failure to pay child support for his son during three separate periods, each consisting of

120 days. In the first case, a criminal complaint alleged one count of felony nonsupport. Just over a year later, charges were brought in a second case alleging two counts of nonsupport and two counts of bail jumping. Subsequently, a third case charged Hooker with three counts of felony nonsupport and several counts of bail jumping.

The parties entered a plea agreement resolving all three cases. The State moved to dismiss and read in the charges brought in the newest case. Hooker agreed to plead to the sole charge of felony nonsupport in the oldest case, and to the two counts of felony nonsupport in the second case. The two bail jumping charges in that latter case were dismissed and read in. The circuit court imposed and stayed consecutive sentences of imprisonment totaling five years on the two counts of nonsupport in the second case, of which two and one-half years were ordered as initial confinement. The court placed Hooker on probation for four years. On the single count in the first case, the court imposed a one-year jail sentence with Huber privileges.

There is no manifest injustice upon which Hooker could withdraw his pleas. *See State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy, buttressed by the plea questionnaire and waiver of rights form, informed Hooker of the constitutional rights he waived by pleading, the elements of the offenses and the potential penalties. An adequate factual basis supported the convictions. The court specifically advised Hooker that it was not bound by the parties' plea agreement and could impose the maximum penalties. The record shows the pleas were knowingly, voluntarily and intelligently entered. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). Entry of valid guilty or no contest pleas constitutes a waiver of nonjurisdictional defects and defenses. *Id.* at 265-66.

The record also discloses no basis for challenging the court's sentencing discretion. The court considered Hooker's character, the seriousness of the offenses and the need to protect the public. *See State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court noted that by the time of sentencing the arrearages amounted to over \$45,000. In his allocution, Hooker told the court that he has "struggled with alcohol and drugs," and the court commented upon Hooker's three prior OWI convictions. The court concluded that Hooker had not reported all his income and had not cooperated with the child support agency to let them know where he was working. The sentences were less than the maximums allowable by law and therefore presumptively neither harsh nor excessive. *See State v. Grinemann*, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507.

Our independent review of the record discloses no other issues of arguable merit. Therefore,

IT IS ORDERED that the judgments are summarily affirmed. *See* WIS. STAT. RULE 809.21 (2011-12).

IT IS FURTHER ORDERED that attorney Suzanne Hagopian is relieved of further representing Hooker in these matters.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*