



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

June 4, 2014

To:

Hon. Jennifer Dorow
Circuit Court Judge
Waukesha County Courthouse
515 W Moreland Blvd.
Waukesha, WI 53188

Kathleen A. Madden
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Matthew Russell Meyer
Birdsall Law Offices, S.C.
135 W. Wells St., Ste. 214
Milwaukee, WI 53203

Brad Schimel
District Attorney
515 W. Moreland Blvd.
Waukesha, WI 53188-0527

Gregory M. Weber
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Rudie M. Anderson 571452
Fox Lake Corr. Inst.
P.O. Box 200
Fox Lake, WI 53933-0200

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

2014AP120-CRNM State of Wisconsin v. Rudie M. Anderson (L.C. # 2012CM2035)

Before Neubauer, P.J.¹

Rudie M. Anderson appeals from a judgment of conviction for disorderly conduct, as a repeat offender. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12), and *Anders v. California*, 386 U.S. 738 (1967). Anderson 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 the report and an independent review of the record, we conclude that the

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

judgment may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

The criminal complaint sets forth that Anderson hit his former girlfriend multiple times after seeing her in a car with another man. He also damaged the man's car. He was charged as a repeat offender with three misdemeanors: battery as an act of domestic abuse, criminal damage to property, and disorderly conduct as an act of domestic abuse. Pursuant to a plea agreement in which the prosecution agreed to recommend that the sentence be served concurrent with a sentence Anderson was serving after the revocation of probation in a Milwaukee county case, Anderson entered a no contest plea to the disorderly conduct charge. The other two charges were dismissed as read-ins. Anderson was sentenced to twelve months in jail, to be served concurrent with the twenty month Milwaukee county sentence.

The no-merit report first addresses the potential issues of whether Anderson's plea was freely, voluntarily, and knowingly entered. The record shows that the circuit court engaged in an appropriate colloquy and made the necessary advisements and findings required by WIS. STAT. § 971.08(1), *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986), and *State v. Hampton*, 2004 WI 107, ¶38, 274 Wis. 2d 379, 683 N.W.2d 14. Additionally, the circuit court properly utilized Anderson's signed plea questionnaire to ascertain Anderson's understanding and knowledge. *See State v. Hoppe*, 2009 WI 41, ¶¶30-32, 317 Wis. 2d 161, 765 N.W.2d 794. The court reviewed the prior conviction that formed the basis for the repeater allegation, and Anderson admitted it. Anderson agreed that the court could look to the criminal complaint for the factual basis for the conviction. The court also reviewed with Anderson the effect of the read-in offenses. *See State v. Straszkowski*, 2008 WI 65, ¶5, 310 Wis. 2d 259, 750 N.W.2d 835

(a circuit court should advise defendants of the effects of read-in charges). No issue of merit exists from the plea taking.

The remaining potential issue is whether the sentence was a proper exercise of discretion. The no-merit report concludes it was, and we agree. The court considered the nature of the offense, including the violent nature of Anderson's attack on his former girlfriend, and Anderson's prior record. The sentence was imposed for the purpose of punishment. The sentence was a demonstrably proper exercise of discretion. *See State v. Gallion*, 2004 WI 42, ¶¶40-43, 270 Wis. 2d 535, 678 N.W.2d 197.

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

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Matthew R. Meyer is relieved from further representing Rudie M. Anderson in this appeal. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals