



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 III

July 1, 2014

To:

Hon. James R. Habeck
Circuit Court Judge
Shawano County Courthouse
311 N. Main Street
Shawano, WI 54166

Sue Krueger
Clerk of Circuit Court
Shawano County Courthouse
311 N. Main Street
Shawano, WI 54166

Daniel Goggin II
Goggin & Goggin
P.O. Box 646
Neenah, WI 54957-0646

Gregory A. Parker
District Attorney
311 N. Main St.
Shawano, WI 54166-2145

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

Jesse A. Meyer 474067
Kettle Moraine Corr. Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

2014AP912-CRNM	State of Wisconsin v. Jesse A. Meyer
2014AP913-CRNM	(L.C. ## 2012CF187, 2012CF188)

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

Counsel for Jesse Meyer has filed a no-merit report concluding there is no arguable basis for Meyer to withdraw his no contest pleas or challenge the sentences imposed for armed burglary and criminal damage to property as a repeater, and burglary, theft and criminal damage to property without a repeater enhancer. Meyer was advised of his right to respond to the report 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 basis for appeal.

In case No. 2012CF187, the complaint charged Meyer with burglary while armed, criminal damage, felony theft and misdemeanor theft, all as a party to a crime and as a repeat offender. In case No. 2012CF188, the complaint charged Meyer with burglary and misdemeanor theft, both as a party to a crime, felony bail jumping and criminal damage to property. In case No. 2012CF189, the complaint charged Meyer with misdemeanor theft and felony bail jumping. Pursuant to a plea agreement, Meyer entered no contest pleas to the first two counts in 2012CF187 and to one count of burglary, theft and criminal damage in 2012CF188. All of the remaining charges in those complaints and the charges in 2012CF189 were dismissed and read-in for sentencing purposes. The plea agreement did not include any sentencing concessions. The court imposed concurrent and consecutive sentences totaling five years and nine months' initial confinement and three years' extended supervision.

The record discloses no arguable manifest injustice upon which Meyer could withdraw his no contest pleas. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy, supplemented by a plea questionnaire and waiver of rights form, informed Meyer of the elements of the offenses, the potential penalties and the constitutional rights he waived by pleading no contest. The court established Meyer's repeater status based on three prior misdemeanor offenses. The court ascertained that Meyer was not getting any treatment for mental health and did not consume alcohol, medicine or other drugs before the pleas, and he received no threats or promises to induce his pleas. The record shows the pleas were knowingly, voluntarily and intelligently entered. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

The record discloses no arguable basis for challenging the sentences. The court could have imposed sentences totaling thirty-three years and nine months' imprisonment and \$105,000

in fines. The court appropriately considered the seriousness of the offenses, the effect on the victims, Meyer's character including his employment status and prior record, the senseless damage to property that occurred along with one of the burglaries, the theft of nineteen firearms that were not recovered, and Meyer's failure to benefit from drug counseling. The court considered no improper factors and the sentences are not arguably so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our independent review of the record discloses no other potential issue for appeal. Therefore,

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

IT IS FURTHER ORDERED that attorney Daniel Goggin, II is relieved of his obligation to further represent Meyer in these matters. WIS. STAT. RULE 809.32(3) (2011-12).

Diane M. Fremgen
Clerk of Court of Appeals