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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](http://www.wicourts.gov)

**DISTRICT I/III**

August 12, 2014

To:

Hon. Jeffrey A. Wagner  
Circuit Court Judge  
Milwaukee County Courthouse  
901 N. 9th St.  
Milwaukee, WI 53233

John Barrett  
Clerk of Circuit Court  
Room 114  
821 W. State Street  
Milwaukee, WI 53233

Karen A. Loebel  
Asst. District Attorney  
821 W. State St.  
Milwaukee, WI 53233

Randall E. Paulson  
Asst. State Public Defender  
735 N. Water St., #912  
Milwaukee, WI 53202-4116

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

Timothy D. Sellers 533476  
Green Bay Corr. Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

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2014AP168-CRNM      State of Wisconsin v. Timothy D. Sellers (L. C. #2012CF165)

Before Hoover, P.J., Stark, J., and Thomas Cane, Reserve Judge.

Counsel for Timothy Sellers has filed a no-merit report concluding there is no basis to challenge Sellers' conviction for two burglaries, the second as party to a crime. Sellers 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.

According to the criminal complaint, Sellers burglarized a residence through a window and police identified him as the burglar based on fingerprints obtained from an office table next

to the window in which entry was gained. During the second alleged burglary, an alarm was tripped and Sellers' fingerprints were obtained from flower vases and the exterior of the kitchen window entry point. In exchange for pleading guilty to the two burglary charges, the State recommended dismissing and reading in an uncharged count of burglary. The circuit court imposed two consecutive sentences consisting of thirty months' initial confinement and thirty months' extended supervision.

There is no manifest injustice upon which Sellers 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, together with the plea questionnaire and waiver of rights form, informed Sellers of the constitutional rights he waived, the elements of the offenses and the potential maximum penalties. The court specifically advised Sellers that it was not bound by any negotiations or plea bargains. The court also explained potential deportation consequences. An adequate factual basis supported the convictions. The record shows the pleas were knowingly, intelligently and voluntarily entered. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). Entry of a valid no contest or guilty plea constitutes a waiver of nonjurisdictional defects and defenses. *Id.*

The record also discloses no basis for challenging the court's sentencing discretion. The court considered Sellers' 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 emphasized Sellers' "undesirable behavior patterns" and found Sellers to be "an extreme risk." The sentences imposed were much less than the maximum allowable and therefore presumptively neither harsh nor excessive. *See State v. Grindemann*, 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 judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21 (2011-12).

IT IS FURTHER ORDERED that attorney Randall Paulson is relieved of further representing Sellers in this matter.

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