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**DISTRICT III**

November 4, 2014

To:

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Circuit Court Judge  
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Ladysmith, WI 54848

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

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2013AP1542-CRNM      State of Wisconsin v. Samantha Taylor-Raymond  
(L. C. #2012CT24)

Before Hruz, J.<sup>1</sup>

Counsel for Samantha Taylor-Raymond has filed a no-merit report concluding there is no basis to challenge Taylor-Raymond's conviction for operating a motor vehicle with a prohibited alcohol concentration, as a second offense. Taylor-Raymond was advised of her right to respond and has not responded. Upon independent review of the record as mandated by *Anders v.*

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<sup>1</sup> 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.

*California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised on appeal and summarily affirm.

A criminal complaint alleged that DNR conservation warden Kirk Konichek was on duty on foot patrol at the Thornapple Dam, when he observed a vehicle drive into the dam parking lot. The passenger in the vehicle got out and threw a glass bottle into the Flambeau River. Konichek stopped the vehicle as it began to exit the parking lot. Rusk County dispatch advised that the driver of the vehicle, identified as Taylor-Raymond, did not have a valid driver's license. Konichek detected the odor of intoxicants coming from Taylor-Raymond's breath, and she stated she "had a few alcoholic beverages earlier in the evening." A sheriff's deputy was summoned and Taylor-Raymond failed field sobriety tests. A preliminary breath test registered .11 blood alcohol concentration. A breath test administered at the Rusk County Jail registered .08.

Taylor-Raymond was charged with operating a motor vehicle while intoxicated and operating with prohibited blood alcohol content, both as second offenses. A jury acquitted her on the OWI count and convicted her on the PAC count. The circuit court imposed a sentence of ten days' jail and a \$1109 forfeiture.

Any challenge to the sufficiency of the evidence would lack arguable merit. This court must view the evidence in the light most favorable to the State and must sustain the verdict unless no reasonable jury could have found guilt beyond a reasonable doubt. *State v. Poellinger*, 153 Wis. 2d 493, 497, 451 N.W.2d 752 (1990). Based on the warden's and the officer's initial observations at the scene, together with Taylor-Raymond's admission that she consumed alcohol and her performance of field sobriety tests, Taylor-Raymond was arrested for OWI. Testimony from another officer who administered the chemical breath test, and a chemical test coordinator

from the Wisconsin Department of Transportation confirmed Taylor-Raymond operated the vehicle with a prohibited amount of alcohol in her blood, and that the breath test was accurate at the time of the test. The parties stipulated to the admission into evidence of Taylor-Raymond's certified driving record.

There is also no basis to challenge the court's sentencing discretion. The court considered the proper factors including Taylor-Raymond's character, the seriousness of the offense and the need to protect the public. The sentence imposed is not unduly harsh or excessive. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

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.

IT IS FURTHER ORDERED that attorney John Bachman is relieved of further representing Taylor-Raymond in this matter.

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