



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

August 19, 2015

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

Timothy L. Baldwin
233 N. Water St., Ste. 302
Milwaukee, WI 53202

Susan Lee Opper
Assistant District Attorney
515 W. Moreland Blvd. Rm. G-72
Waukesha, WI 53188-2486

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

Melquan D. Taylor 550416
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:

2015AP605-CRNM State of Wisconsin v. Melquan D. Taylor (L.C. # 2008CF1408)

Before Neubauer, P.J., Reilly and Gundrum, JJ.

Melquan D. Taylor appeals from a judgment sentencing him after revocation of his probation for third-degree sexual assault. Taylor's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2013-14)¹ and *Anders v. California*, 386 U.S. 738 (1967). Taylor received a copy of the report, was advised of his right to file a response, and has elected not to do so. After reviewing the record and counsel's report, we conclude that there are no

¹ All references to the Wisconsin Statutes are to the 2013-14 version.

issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. WIS. STAT. RULE 809.21.

The no-merit report addresses whether the circuit court properly exercised its discretion in imposing its sentence after revocation. The circuit court's duty at sentencing after probation revocation is the same as its duty at the original sentencing. *State v. Wegner*, 2000 WI App 231, ¶7 n.1, 239 Wis. 2d 96, 619 N.W.2d 289. Where, as in the present case, different judges presided over the original sentencing and the sentencing after revocation, the record should reflect that the circuit court familiarized itself with the particulars of the case at issue. See *State v. Walker*, 2008 WI 34, ¶3, 308 Wis. 2d 666, 747 N.W.2d 673; *State v. Reynolds*, 2002 WI App 15, ¶9, 249 Wis. 2d 798, 643 N.W.2d 165.

Here, the record reflects that the circuit court was familiar with the particulars of Taylor's case. Likewise, the record reveals that the court's sentencing decision had a "rational and explainable basis." *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197. In imposing its sentence of two years of initial confinement and three years of extended supervision, the court considered the seriousness of the offense, Taylor's character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, which were aggravated by Taylor's multiple rules violations as well as the fact that he impregnated the victim of the sexual assault, the sentence imposed does not "shock public sentiment and violate the judgment of reasonable people concerning what is right and proper." See *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to Taylor's sentence would lack arguable merit.

The no-merit report also addresses whether Taylor was afforded effective assistance of trial counsel. There is nothing in the record to suggest that counsel was ineffective at the sentencing after revocation hearing. Accordingly, we are satisfied that the no-merit report properly analyzes this issue as without merit, and we will not discuss it further.

Our independent review of the record does not disclose any potentially meritorious issue for appeal.² Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Timothy L. Baldwin of further representation in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Timothy L. Baldwin is relieved of further representation of Taylor in this matter.

Diane M. Fremgen
Clerk of Court of Appeals

² The no-merit report also addresses the validity of Taylor's original plea. However, any challenge to Taylor's underlying conviction is outside the scope of this appeal. See *State ex rel. Marth v. Smith*, 224 Wis. 2d 578, 582 n.5, 592 N.W.2d 307 (Ct. App. 1999). Accordingly, we do not discuss it.