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**DISTRICT IV**

October 30, 2015

To:

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Circuit Court Judge  
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Clint L. Rinde  
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You are hereby notified that the Court has entered the following opinion and order:

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2014AP1299-CRNM      State of Wisconsin v. Clint L. Rinde (L.C. #2013CT10)

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

Attorney Frances Reynolds Colbert, appointed counsel for Clint Rinde, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Rinde with a copy of the report, and both counsel and this court advised him of his right to file a response. Rinde has not responded. We conclude that this case is appropriate

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(c) (2013-14). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

After a jury trial, Rinde was convicted of one count of operating under the influence of an intoxicant, as a fourth offense. The court imposed a sentence of 120 days in jail, a fine, and other penalties.

The no-merit report addresses whether the evidence was sufficient to support the conviction. We affirm the verdict unless the evidence, viewed most favorably to the State and the conviction, is so insufficient in probative value and force that no reasonable trier of fact could have found guilt beyond a reasonable doubt. *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Credibility of witnesses is for the trier of fact. *Id.* at 504.

Without attempting to review the evidence in detail here, we are satisfied that there is no arguable merit to this issue. A jury could reasonably conclude that the testimony of the witnesses supported the necessary elements, including the contested element of whether Rinde drove on a highway.

The no-merit report addresses whether the court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well-established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Colbert is relieved of further representation of Rinde in this matter. *See* WIS. STAT. RULE 809.32(3).

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