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**WISCONSIN COURT OF APPEALS**

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**DISTRICT II**

March 30, 2016

To:

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Circuit Court Judge  
Fond du Lac County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2015AP2187-CRNM	State of Wisconsin v. Blaine M. Hopp (L.C. #2014CF217)
2015AP2188-CRNM	State of Wisconsin v. Blaine M. Hopp (L.C. #2014CF274)
2015AP2189-CRNM	State of Wisconsin v. Blaine M. Hopp (L.C. #2014CF319)

Before Neubauer, C.J., Reilly, P.J. and Hagedorn, J.

Blaine M. Hopp appeals from judgments convicting him of delivery of heroin, misdemeanor theft as a repeater, receiving stolen property, and felony bail jumping. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2013-14),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Hopp received a copy of the report, was advised

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the records, we conclude that the judgments may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Hopp was charged with delivery of heroin after selling the drug to a confidential informant and undercover police officer. Subsequent to that crime, Hopp was charged with ten counts of felony bail jumping and five counts of misdemeanor theft, as a repeater, due to multiple gas station drive-offs. In another case he was charged with receiving stolen property and two counts of felony bail jumping after he pawned stolen jewelry. He pled no contest to the crimes of which he is convicted and all other charges were dismissed as read-ins. For the crimes of receiving stolen property, bail jumping and theft, Hopp was sentenced to consecutive terms of six years, two years, and two years. On the heroin conviction, sentence was withheld and Hopp was ordered to serve ten years' probation.

The no-merit report addresses the potential issues of whether Hopp's plea was freely, voluntarily and knowingly entered, whether the sentence was the result of an erroneous exercise of discretion, whether the sentencing court relied on inaccurate information, whether any new factor exists to support sentence modification, and whether the amount of restitution was proper. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

Our review of the record discloses no other potential issues for appeal.<sup>2</sup> Accordingly, this court accepts the no-merit report, affirms the convictions and discharges appellate counsel of the obligation to represent Hopp further in these appeals.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Katie R. York is relieved from further representing Blaine M. Hopp in these appeals. *See* WIS. STAT. RULE 809.32(3).

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

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<sup>2</sup> In two cases, Hopp filed two pro se postconviction motions while represented by appointed counsel. The first sought to vacate the \$200 DNA surcharge imposed on the theft conviction and the single \$250 DNA surcharge imposed on the stolen property and bail jumping convictions. The circuit court properly ruled that the DNA surcharges were mandatory as Hopp's crimes occurred after January 1, 2014. WIS. STAT. § 973.046(1r). Hopp's second pro se motion asked the court to amend the judgments of conviction to provide that the collection of monetary obligations could only be made from prison wages and not from money gifted to Hopp. The circuit court properly denied the request explaining that it was not the sentencing court's function to direct the Department of Corrections on how to apply administrative rules about trust fund account collections. Hopp's motion failed to persuade the circuit court to defer collection of court ordered monetary obligations.