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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 IV

March 3, 2017

To:

Hon. Stephen E. Ehlke
Circuit Court Judge
215 South Hamilton, Br.15, Rm. 7107
Madison, WI 53703

Ellen J. Krahn
Assistant State Public Defender
P. O. Box 7862
Madison, WI 53707

Carlo Esqueda
Clerk of Circuit Court
Room 1000
215 South Hamilton
Madison, WI 53703

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

Lanny B. Glinberg
Asst. District Attorney
Rm. 3000
215 South Hamilton
Madison, WI 53703

Anthony L. Hayden 148025
Stanley Corr. Inst.
100 Corrections Drive
Stanley, WI 54768

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

2015AP2107-CRNM	State of Wisconsin v. Anthony L. Hayden a/k/a Tony L. Hayden, Sr. (L.C. # 2010CF377)
2015AP2108-CRNM	State of Wisconsin v. Anthony L. Hayden a/k/a Tony L. Hayden, Sr. (L.C. # 2013CF1379)
2015AP2109-CRNM	State of Wisconsin v. Anthony L. Hayden a/k/a Tony L. Hayden, Sr. (L.C. # 2013CF2376)

Before Higginbotham, Sherman and Blanchard, JJ.

Attorney Ellen Krahn, appointed counsel for Anthony Hayden, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Hayden with a copy of the report, and both counsel and this court advised him

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

of his right to file a response. Hayden has not responded. We conclude that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the records, we conclude there is no arguable merit to any issue that could be raised on appeal.

Hayden pled guilty to one felony count of bail jumping and two misdemeanor counts of battery, as a repeater. The court withheld sentence and placed Hayden on probation. Hayden's probation was later revoked and he was returned to court for sentencing. On one battery count the court imposed a sentence of eighteen months of initial confinement and six months of extended supervision. The court then imposed the same sentence, but consecutive, on the other battery count, and then a concurrent sentence of two years of initial confinement and three years of extended supervision on the felony count.

An appeal from sentencing after revocation of probation does not bring before us the original judgment of conviction unless the appellant shows good cause to extend the time to appeal from that judgment under WIS. STAT. RULE 809.82(2). *See State v. Drake*, 184 Wis. 2d 396, 399, 515 N.W.2d 923 (Ct. App. 1994). No good cause appears in the record to extend Hayden's time to appeal from the original judgment of conviction, and therefore only issues related to sentencing are before us now.

The no-merit report addresses whether the sentences are within the legal maximum and whether the court erroneously exercised its sentencing discretion. The standards for 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 records discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Krahn is relieved of further representation of Hayden in these matters. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals