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**DISTRICT II**

April 12, 2017

To:

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Circuit Court Judge  
Waukesha County Courthouse  
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Waukesha, WI 53188

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Clerk of Circuit Court  
Waukesha County Courthouse  
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P.O. Box 200  
Fox Lake, WI 53933-0200

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

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2016AP2015-CRNM      State of Wisconsin v. Matthew J. Klante (L.C. # 2014CF1312)

Before Neubauer, C.J., Gundrum and Hagedorn, JJ.

Matthew J. Klante appeals from a judgment convicting him of receiving stolen property. Klante's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Klante 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

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version.

and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. WIS. STAT. RULE 809.21.

In November 2015, Klante pled guilty to one count of receiving stolen property. The charge stemmed from the allegation that Klante had knowingly received stolen jewelry, which had a value greater than \$2500 but did not exceed \$5000. One additional count of receiving stolen property was dismissed and read in. The circuit court sentenced Klante to one and one-half years of initial confinement followed by two years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether Klante's guilty plea was knowingly, voluntarily, and intelligently entered. The record shows that the circuit court engaged in a colloquy with Klante that satisfied the applicable requirements of WIS. STAT. § 971.08(1) and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. In addition, a signed plea questionnaire and waiver of rights form was entered into the record, along with an attachment detailing the elements of the offense. We agree with counsel that a challenge to the entry of Klante's guilty plea would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. 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 (citation omitted). In making its decision, the court considered the seriousness of the offense, Klante'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 Klante's prior criminal record, the sentence imposed does not "shock public sentiment and

violate the judgment of reasonable people concerning what is right and proper.” *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Accordingly, we agree with counsel that a challenge to Klante’s sentence would lack arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. 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 Russell J.A. Jones 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 Russell J.A. Jones is relieved of further representation of Klante in this matter.

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