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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  
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**DISTRICT II**

August 23, 2017

To:

Hon. Chad G. Kerkman  
Circuit Court Judge  
Br. 8  
912 56th St.  
Kenosha, WI 53140

Leon W. Todd III  
Assistant State Public Defender  
735 N. Water St., Ste. 912  
Milwaukee, WI 53202-4116

Rebecca Matoska-Mentink  
Clerk of Circuit Court  
Kenosha County Courthouse  
912 56th St.  
Kenosha, WI 53140

Alex A. Bane, #624664  
Waupun Corr. Inst.  
P.O. Box 351  
Waupun, WI 53963-0351

Michael D. Graveley  
District Attorney  
Molinaro Bldg.  
912 56th St.  
Kenosha, WI 53140-3747

Criminal Appeals Unit  
Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857

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

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2017AP975-CRNM      State of Wisconsin v. Alex A. Bane (L.C. #2016CF171)

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

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Alex A. Bane appeals from a judgment convicting him of second-degree recklessly endangering safety, as a repeater. Bane's appointed appellate counsel has 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).

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

Bane was advised of his right to file a response but has elected not to do so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

While on probation for another crime, Bane shot at his uncle on a city street midmorning. He was charged with first-degree recklessly endangering safety and disorderly conduct, both while using a dangerous weapon, and with carrying a concealed weapon. All carried a repeater enhancer. He pled guilty to a single, reduced charge of second-degree recklessly endangering safety, as a repeater, and was sentenced to four years' initial confinement and five years' extended supervision. This no-merit appeal followed.

The no-merit report addresses the potential issues of whether Bane's guilty plea was freely, voluntarily, and knowingly entered and whether the sentence was unduly harsh or otherwise the result of an erroneous exercise of discretion. As our review of the record satisfies us that the no-merit report properly and thoroughly analyzes these issues as without merit, we address them no further.

Our review of the record discloses no other potential issues for appeal. Bane's guilty plea waived the right to raise nonjurisdictional defects and defenses arising from proceedings before entry of the plea, including claimed violations of constitutional rights. *State v. Kraemer*, 156 Wis. 2d 761, 765, 457 N.W.2d 562 (Ct. App. 1990). Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Bane further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Leon W. Todd III is relieved from further representing Bane in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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