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DISTRICT II

December 20, 2017

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

2017AP890-CRNM State of Wisconsin v. Christopher L. Reed (L.C. # 2016CF519)

Before Neubauer, C.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).

Christopher L. Reed appeals from a judgment convicting him of armed carjacking. Reed's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)¹ and *Anders v. California*, 386 U.S. 738 (1967). Reed received a copy of the report, was advised

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

of his right to file a response, and has elected not to do so. After reviewing the record 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.

Reed was convicted following a guilty plea to armed carjacking. The charge stemmed from allegations that he took a doctor's vehicle at gunpoint in the parking lot of a clinic in 2015.² Several additional charges were dismissed and read in.³ The circuit court imposed a sentence of ten years of initial confinement and ten years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether Reed's guilty plea was knowingly, voluntarily, and intelligently entered. The record shows that the circuit court engaged in a colloquy with Reed 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 the relevant jury instructions detailing the elements of the offense. We agree with counsel that a challenge to the entry of Reed'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

² At the time of the offense, Reed was sixteen years old. He did not contest the State's petition for waiver into adult court. The circuit court found that his decision to not contest was knowing, voluntary, and intelligent. Reed reaffirmed that decision at his plea hearing.

³ The additional charges included operating a motor vehicle without owner's consent, possession of a firearm by adjudicated delinquent, and obstructing an officer.

(citation omitted). In making its decision, the court considered the seriousness of the offense, Reed'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 Reed's juvenile record, his poor behavior while in jail,⁴ the read-in offenses, the impact of the crime on the victim, and the fact that the crime took place while Reed was on a pass from secure detention, 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). The court reasonably found Reed ineligible to participate in both the Challenge Incarceration Program and the Substance Abuse Program. We agree with counsel that a challenge to Reed'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 Bradley J. Lochowicz 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 Bradley J. Lochowicz is relieved of further representation of Reed in this matter.

⁴ The sheriff's office wrote multiple letters to the prosecutor detailing Reed's "significant and serious" disciplinary problems while incarcerated.

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

Diane M. Fremgen
Clerk of Court of Appeals