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DISTRICT II

June 6, 2018

To:

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

2017AP1339-CRNM	State of Wisconsin v. Dexter Tolefree (L.C. # 2016CF255)
2017AP1340-CRNM	State of Wisconsin v. Dexter Tolefree (L.C. # 2016CF523)

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

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).

In these consolidated appeals, Dexter Tolefree appeals from judgments convicting him of two counts of delivering heroin as a second and subsequent offenses and as a repeat offender

contrary to WIS. STAT. § 961.41(1)(d)1. (2015-16)¹ and one count of possession of heroin with intent to deliver as a second and subsequent offenses and as a repeat offender contrary to § 961.41(1m)(d)3. Tolefree's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Tolefree received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

For the counts of conviction, the circuit court sentenced Tolefree to a sixteen-year term (eleven years of initial confinement and five years of extended supervision) and withheld sentence and imposed four years of probation, all consecutive to a sentence Tolefree was then serving.

The no-merit report addresses the following possible appellate issues: (1) whether Tolefree's guilty pleas were knowingly, voluntarily, and intelligently entered and had a factual basis and (2) whether the circuit court misused its sentencing discretion. After reviewing the record, we conclude that counsel's no-merit report properly analyzes these issues and correctly concludes that these issues are without arguable merit.

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be

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

raised on appeal, we accept the no-merit report, affirm the judgments of conviction and relieve Attorney Andrew Hinkel of further representation of Tolefree in these matters.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Andrew Hinkel is relieved of further representation of Dexter Tolefree in these matters.

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

Sheila T. Reiff
Clerk of Court of Appeals