

OFFICE OF THE CLERK WISCONSIN COURT OF APPEALS

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DISTRICT III

July 10, 2018

To:

Hon. William M. Gabler, Sr. Circuit Court Judge Eau Claire County Courthouse 721 Oxford Ave. Eau Claire, WI 54703-5496

Susan Schaffer Clerk of Circuit Court Eau Claire County Courthouse 721 Oxford Ave., Ste. 2220 Eau Claire, WI 54703-5496

Gary King District Attorney 721 Oxford Ave. Eau Claire, WI 54703 Jefren E. Olsen Asst. State Public Defender P.O. Box 7862 Madison, WI 53707-7862

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

Freddie L. Flowers, Jr. Jefferson County Jail 411 S. Center Ave. Jefferson, WI 53549-1703

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

2018AP561-CRNM

State of Wisconsin v. Freddie L. Flowers, Jr. (L. C. No. 2015CM115)

Before Hruz, J.¹

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).

Freddie L. Flowers, Jr., appeals from a judgment imposing sentence after the revocation of probation. His appellate counsel has filed a no-merit report pursuant to WIS. STAT.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

RULE 809.32, and *Anders v. California*, 386 U.S. 738 (1967). Flowers received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, the judgment is summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

In 2015, Flowers entered no-contest pleas to intimidation of a victim and obstructing an officer, both as a repeater. At that time, the court withheld sentence and placed Flowers on probation. Flowers' probation was revoked on August 4, 2017. Flowers was then sentenced to the maximum allowed—consecutive terms totaling three years' initial confinement and one year of extended supervision.

As the no-merit report explains, this appeal brings before the court only the sentences imposed after revocation. *See State v. Scaccio*, 2000 WI App 265, ¶10, 240 Wis. 2d 95, 622 N.W.2d 449. The only possible issues for appeal are whether the sentences were an erroneous exercise of discretion or whether the sentences were excessive.

The no-merit report properly concludes that any potential challenge to the sentences lacks merit. Specifically, we adopt the no-merit report's conclusions that there is no basis to challenge Flowers' sentences as an erroneous exercise of discretion or excessive. Moreover, our independent review reveals no other issues of arguable merit regarding the revocation sentences. The no-merit report is accepted, the judgment affirmed, and appellate counsel discharged of the obligation to represent Flowers further in this appeal.

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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 Jefren E. Olsen is relieved from further representing Freddie L. Flowers, Jr., in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff Clerk of Court of Appeals