



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

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
Web Site: www.wicourts.gov

DISTRICT IV

September 4, 2018

To:

Hon. David T. Flanagan III
Circuit Court Judge
215 South Hamilton, Br 12, Rm 8107
Madison, WI 53703

Carlo Esqueda
Clerk of Circuit Court
215 S. Hamilton St., Rm. 1000
Madison, WI 53703

Suzanne L. Hagopian
Assistant State Public Defender
P.O. Box 7862
Madison, WI 53707

Ismael R. Ozanne
District Attorney
Rm. 3000
215 S. Hamilton St.
Madison, WI 53703

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

Christopher L. Leggions 187305
Fox Lake Corr. Inst.
P.O. Box 200
Fox Lake, WI 53933-0200

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

2015AP1098-CRNM State of Wisconsin v. Christopher L. Leggions
(L.C. # 2013CF2090)

Before Sherman, Blanchard and Fitzpatrick, 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).

Attorney Faun Moses, appointed counsel for Christopher Leggions filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)¹ and *Anders v. California*, 386 U.S. 738 (1967).²

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

² Moses has since been replaced by Attorney Suzanne Hagopian and she has not withdrawn the report.

Counsel provided Leggions with a copy of the report, and both counsel and this court advised him of his right to file a response. Leggions has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Leggions pled guilty to operating while intoxicated (9th offense), and misdemeanor counts of resisting an officer and operating while revoked. On the first count the circuit court imposed a sentence of six years of initial confinement and five years of extended supervision, and on the other two counts there were sentences of one year of initial confinement and six months of extended supervision.

The no-merit report addresses whether Leggions' pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Leggions was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erred in denying Leggios' motion for sentence modification based on a new factor. The claimed new factor was the amount of time remaining on an earlier sentence. The court concluded that this additional information was not a basis to modify the sentence. There is no arguable basis to claim that the court erroneously exercised its discretion.

Our review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment of conviction and order denying postconviction relief are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Suzanne Hagopian is relieved of further representation of Leggios in this matter. *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