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**DISTRICT IV**

October 26, 2018

To:

Hon. Anna L. Becker  
Circuit Court Judge  
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James R. Newman 555195  
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P.O. Box 900  
Portage, WI 53901-0900

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

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2017AP1915-CRNM      State of Wisconsin v. James R. Newman (L.C. # 2012CF139)

Before Blanchard, Kloppenburg 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 Mark Schoenfeldt, appointed counsel for James Newman, 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). Counsel provided Newman with a copy of the report, and both counsel and this court

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

advised him of his right to file a response. Newman 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.

Newman pled no contest to one count each of escape, kidnapping, and theft, all as a repeater. On the escape and theft counts the court imposed concurrent sentences of six years of initial confinement and three years of extended supervision. On the kidnapping count the court imposed a consecutive sentence of twenty-five years of initial confinement and fifteen years of extended supervision.

The no-merit report addresses whether Newman's 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 Newman 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 complaint establishes a factual basis for the three charges that Newman pled no contest to. Without attempting to recite the allegations in detail here, we conclude that it would be frivolous to argue that the facts that were alleged do not support these charges.

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.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Schoenfeldt is relieved of further representation of Newman in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*