



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 III

December 11, 2018

To:

Hon. John M. Yackel
Circuit Court Judge
10610 Main St., Ste. 274
Hayward, WI 54843

Angeline E. Winton
District Attorney
P.O. Box 344
Shell Lake, WI 54871

Shannon Anderson
Clerk of Circuit Court
Washburn County Courthouse
P.O. Box 339
Shell Lake, WI 54871

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

Mark A. Schoenfeldt
Law Firm of Mark Schoenfeldt
230 W. Wells St., Ste. 706
Milwaukee, WI 53203

Tangela M. Peterson
N6127 County Highway K
Spooner, WI 54801

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

2017AP1734-CRNM State of Wisconsin v. Tangela M. Peterson
(L. C. No. 2015CF152)

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).

Counsel for Tangela Peterson has filed a no-merit report concluding there is no basis to challenge Peterson's convictions for possession of THC and possession of drug paraphernalia.

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.

Peterson was advised of her right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal and summarily affirm. See WIS. STAT. RULE 809.21.

According to the criminal complaint, Peterson was living with Walter Evans when he died of a possible drug overdose. An ongoing methamphetamine investigation involving Evans and Peterson had been progressing at the time. Evans had recently been incarcerated for possession with intent to deliver methamphetamine, possession of THC, and possession of narcotics, including morphine and Oxycodone.

Due to the ongoing drug investigation and the possible overdose, a search warrant was obtained for the residence. Various items related to drug use were found, including numerous syringes, one with a red-colored fluid (possibly blood mixed with heroin or methamphetamine); and a bag containing a white crystalline substance. A search of a vehicle on the premises revealed a purse with identifiable information belonging to Peterson, along with a clear vial with a white substance that tested positive for methamphetamine; a bag containing a green leafy substance that tested positive for THC; several hundred plastic bags; a marijuana pipe; four used syringes; several methamphetamine pipes containing residue; a bottle containing codeine; a container of synthetic urine labeled “Quick Fix Plus”; one 9mm bullet corresponding to “bullets found loaded in two magazines ... inside [a] 9mm handgun” located in the trunk of the vehicle, which Peterson stated was placed in the trunk by Evans; and \$1240 cash.

Peterson was arrested and charged with possession with intent to deliver methamphetamine; possession of methamphetamine; possession of THC; and possession of drug

paraphernalia. Peterson moved to suppress the evidence, contending the search warrant affidavit lacked probable cause, and that she was immune from criminal prosecution as an “aider” of a person suffering an overdose, under WIS. STAT. § 961.443.

The circuit court denied the suppression motion, noting the affidavit described undercover drug buys from Evans, and an ongoing investigation into Evans, a person known to be dealing drugs who was connected to Peterson. The court noted that Evans had passed away from drug use several hours earlier, and law enforcement was presented with a situation where a death occurred at the residence of a drug dealer who was under investigation and, Peterson, the person connected to Evans, was still in possession of the residence. The court concluded, “Under any analysis, there exists probable cause to search the residence for items related to drug activity.” The court also rejected the argument that Peterson was immune as an “aider,” noting Peterson did not call 911, “and Peterson did not bring Evans anywhere.”

The parties reached an agreement wherein Peterson pleaded no contest to possession of THC and possession of drug paraphernalia, and the State agreed to recommend outright dismissal of the remaining counts. The parties also agreed to jointly recommend two years of probation without jail. The circuit court adopted the parties’ recommendations and withheld sentence, placing Peterson on probation for two years.

The no-merit report addresses potential issues regarding whether Peterson’s pleas were knowingly, intelligently, and voluntarily entered; whether a sufficient factual basis supported the convictions; whether the circuit court properly exercised its sentencing discretion; whether the court properly denied the suppression motion; and whether Peterson was afforded effective assistance of counsel. This court is satisfied that the no-merit report properly analyzes the issues

raised, and we will not further discuss them. Our independent review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Mark Schoenfeldt is relieved of further representing Tangela Peterson 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