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**DISTRICT II**

February 13, 2019

To:

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Tex D. Seals  
9702 W. Darnel Ave.  
Milwaukee, WI 53224

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

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2018AP356-CRNM      State of Wisconsin v. Tex D. Seals (L.C. #2017CF351)

Before Reilly, P.J., Gundrum and Hagedorn, 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).**

Tex D. Seals appeals from a judgment convicting him of second-degree recklessly endangering safety and third-offense operating a motor vehicle while intoxicated (OWI). Seals' appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32

(2017-18)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967).<sup>2</sup> Seals was advised of his right to file a response but has elected not to do so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Seals got into an altercation with his son's girlfriend, struck her in the head about ten times, hit her with a lamp, and then, when she ran out of the house to get away, drove his car at her. Seals was charged with second-degree recklessly endangering safety, misdemeanor battery, third-offense OWI, operating after revocation, failure to install an ignition interlock device, and third-offense operating with a prohibited alcohol concentration. He entered no-contest pleas to second-degree recklessly endangering safety (Count 1) and third-offense OWI (Count 3). The battery charge was dismissed and read in at sentencing; the remaining charges were dismissed outright. The court ordered sixty days' jail for Count 3 and withheld sentence on Count 1, placing him on three years' probation with 120 days' conditional jail time to be served consecutive to the Count 3 jail time. This no-merit appeal followed.

The no-merit report addresses whether Seals could raise a nonfrivolous argument that he was denied his right to a speedy trial, that his no-contest plea was not freely, voluntarily, and

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

<sup>2</sup> The State Public Defender appointed Attorney Jeffrey A. Mann to represent Seals on appeal. After filing the no-merit report, Mann advised the SPD and this court that he accepted new employment and moved to withdraw from representation of Seals. This court granted Mann's motion and the SPD appointed Attorney Bradley J. Lochowicz as successor counsel. Lochowicz confirmed to this court that he agreed with Mann's assessment that the case was appropriate for a no-merit appeal and would proceed under WIS. STAT. RULE 809.32.

knowingly entered, or that his sentence was unduly harsh or otherwise the result of an erroneous exercise of discretion. As our review of the record satisfies us that the no-merit report properly and thoroughly analyzes these issues as without merit, we address them no further.

Our review of the record discloses no other potential issues for appeal. Seals' no-contest plea waived the right to raise nonjurisdictional defects and defenses arising from proceedings before entry of the plea, including claimed violations of constitutional rights. *State v. Kraemer*, 156 Wis. 2d 761, 765, 457 N.W.2d 562 (Ct. App. 1990). Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Seals further in this appeal.

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 Bradley J. Lochowicz is relieved from further representing Seals in this appeal. *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*