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DISTRICT IV

February 14, 2019

To:

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Circuit Court Judge
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Sparta, WI 54656

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Bobby Dexter Jones
310 Goose Pond Rd.
Red Springs, NC 28377

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

2017AP1713-CRNM State of Wisconsin v. Bobby Dexter Jones (L.C. # 2011CF361)

Before Lundsten, P.J., Blanchard and Kloppenburg, 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 Frederick Bechtold, appointed counsel for Bobby Dexter Jones, has filed a non-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S.

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

738 (1967). Counsel provided Jones with a copy of the report, and both counsel and this court advised him of his right to file a response. Jones 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.

Based on his plea of no contest, Jones was convicted of one count of burglary and one count of misdemeanor theft. The court imposed a sentence on the burglary charge of four years of initial confinement and two years of extended supervision, with a concurrent jail term on the theft count.

The no-merit report addresses whether Jones'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 Jones was waiving, and other matters. The record shows no other ground to withdraw the pleas. There is no arguable merit to this issue.

The no-merit report addresses whether the 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.

Finally, the no-merit report addresses whether Jones is entitled to additional sentence credit as he claimed in a motion filed by Jones personally. Based on the information provided by

counsel, we agree with the report's analysis that Jones is not entitled to credit for this time because he was serving sentences in North Carolina.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Bechtold is relieved of further representation of Jones 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