



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 II

March 20, 2019

To:

Hon. Michael P. Maxwell
Circuit Court Judge
515 W. Moreland Blvd.
Waukesha, WI 53188

Vicki Zick
Zick Legal LLC
P.O. Box 325
Johnson Creek, WI 53038

Gina Colletti
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

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

Susan Lee Opper
District Attorney
515 W. Moreland Blvd., Rm. G-72
Waukesha, WI 53188-2486

Terrence T. Lafaive 594257
St. Croix Corr. Center
P.O. Box 36
New Richmond, WI 54017-0036

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

2018AP2020-CRNM State of Wisconsin v. Terrence T. Lafaive (L.C. #2016CF41)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

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).

Terrence T. Lafaive appeals from a judgment of conviction for possession of marijuana with intent to deliver, as a second and subsequent offense, and felony bail jumping. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and

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

Anders v. California, 386 U.S. 738 (1967). Lafaive received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, the judgment is summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

After the execution of a search warrant at Lafaive's apartment, he was charged with possession of marijuana with intent to deliver, maintaining a drug trafficking place, two counts felony bail jumping, misdemeanor possession of marijuana, and possession of drug paraphernalia. Penalty enhancers were alleged on all the charges. Lafaive pled no contest to the possession with intent to deliver charge, as a second and subsequent offense, and felony bail jumping, without the repeater enhancer. The other charges in this case were dismissed as read-ins at sentencing, and charges in two other cases were also dismissed as read-ins. The prosecution agreed to recommend a five-year sentence on the possession conviction and that a sentence on the bail jumping conviction be imposed but stayed for two years' probation. The recommendation was for the sentences to be consecutive to a sentence Lafaive was then serving. The prosecution made the agreed upon recommendation at sentencing. Lafaive was sentenced to three years' initial confinement and two years' extended supervision on the possession conviction. A consecutive four-year sentence was imposed on the bail jumping conviction but it was stayed for three years' probation. The sentences were made consecutive to a sentence Lafaive was then serving so he was not awarded any sentence credit.

The no-merit report addresses the potential issues of whether Lafaive's waiver of a preliminary hearing was valid, whether his plea was knowingly, voluntarily, and intelligently entered, whether a factual basis for the conviction was found, and whether the sentences were the result of an erroneous exercise of discretion or unduly harsh or excessive. This court is satisfied

that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

Our review of the record discloses no other potential issues for appeal.² Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Lafaive 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 Vicki Zick is relieved from further representing Terrence T. Lafaive in this appeal. *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

² By his no contest plea, Terrence T. Lafaive forfeited the right to raise nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886; *State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.