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**DISTRICT I**

March 28, 2019

To:

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Dale Patrick Leech Jr.  
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You are hereby notified that the Court has entered the following opinion and order:

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2018AP917-CRNM      State of Wisconsin v. Dale Patrick Leech, Jr. (L.C. # 2016CF2740)

Before Brennan, Brash and Dugan, 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).**

Dale Patrick Leech, Jr., appeals a judgment convicting him of one count of substantial battery. Appointed appellate counsel, Attorney Russell J.A. Jones, 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). Leech was sent a copy of the report and was advised of his right to file a response, but he has not responded. Based upon our review of the no-merit report and the record, we conclude that no arguably meritorious issues exist for an appeal, and we summarily affirm. *See* WIS. STAT. RULE 809.21.

The no-merit report addresses whether there would be arguable merit to a challenge to Leech's no-contest plea, which was entered pursuant to a plea agreement. The circuit court conducted a colloquy with Leech that complied with WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). In addition, Leech reviewed and discussed a plea questionnaire and waiver of rights form with his counsel prior to the plea hearing, which addressed the criteria enumerated in § 971.08 designed to ensure that a defendant is knowingly, intelligently, and voluntarily waiving his or her right to trial by entering a plea. *See State v. Hoppe*, 2009 WI 41, ¶32, 317 Wis. 2d 161, 765 N.W.2d 794 (the court may rely in part on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about the rights he or she is waiving). The record reflects no basis for an arguably meritorious challenge to the validity of the plea.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its sentencing discretion when it sentenced Leech. The circuit court imposed eighteen months of initial confinement and two years of extended supervision, stayed in favor of three years of probation with ninety days in jail as a condition of probation. The record

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

establishes that the circuit court carefully considered the general objectives of sentencing and applied the pertinent sentencing factors in light of the facts of this case. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (the court must identify the factors it considered and explain how those factors fit the objectives and influenced its sentencing decision). We agree with appellate counsel's conclusion that the record here reflects an appropriate exercise of discretion. There would be no arguable merit to a challenge to the sentence.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the conviction and discharge appellate counsel of the obligation to represent Leech 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 Russell J.A. Jones is relieved from further representing Dale Patrick Leech, Jr., 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*