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DISTRICT III

May 14, 2019

To:

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

2018AP374-CRNM State of Wisconsin v. Brandon J. Peters (L. C. No. 2016CF33)

Before Stark, P.J., Hruz and Seidl, 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).

Counsel for Brandon Peters has filed a no-merit report concluding there is no basis to challenge Peters' conviction for first-degree recklessly endangering safety, with use of a dangerous weapon. Peters was advised of his 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 we summarily affirm. *See* WIS. STAT. RULE 809.21 (2017-18).¹

A criminal complaint alleged police officers were dispatched to an apartment building in Appleton for a disturbance in which a firearm had been discharged. Witnesses stated that Peters had entered an apartment and became angry because a woman that Peters formerly dated was now seeing another man. There was a verbal altercation, and Peters shot two rounds from a 9mm handgun into a bedroom occupied by the woman and her new boyfriend. Peters was on bond at the time, a condition of which was not to commit any new crimes.

Peters was charged with two counts of first-degree recklessly endangering safety, with use of a dangerous weapon; criminal damage to property; disorderly conduct; and felony bail jumping. All counts included a repeater enhancer. Peters entered into a settlement agreement in the present case whereby he pleaded no contest to one count of first-degree recklessly endangering safety, with use of a dangerous weapon.² The four remaining counts were dismissed and read in. The circuit court imposed a sentence consisting of four years' initial confinement and four years' extended supervision. The court subsequently amended the judgment of conviction to grant an additional ten days' sentence credit.

The no-merit report addresses whether the no-contest plea was knowingly, intelligently, and voluntarily entered; and whether the circuit court properly exercised its sentencing

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

² As part of a global settlement, Peters also pleaded no contest to an amended charge of fourth-degree sexual assault, as a repeater, in Outagamie County case No. 2015-CF-909; and the circuit court imposed a sentence in that case of nine months' jail, concurrent to the sentence in this case.

discretion. This court is satisfied that the no-merit report properly analyzes the issues raised, and we will not discuss them further. Our independent review of the record fails to disclose any other potential issues for appeal.

Accordingly,

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

IT IS FURTHER ORDERED that attorney Timothy O'Connell is relieved of further representing Peters in this matter.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals