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DISTRICT III

May 29, 2019

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

2018AP166-CRNM State of Wisconsin v. Tracy M. Bass (L. C. No. 2017CF376)

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 Tracy Bass has filed a no-merit report concluding there is no basis to challenge Bass's conviction for threats to a law enforcement officer, as a repeater. Bass 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

Police responded to a hospital in the City of Appleton, where a security officer reported an individual had been screaming at the emergency room help desk. This individual identified himself as “Tracy,” and he was later identified as Bass. Bass had stated that he wanted to “sign off” on his BadgerCare, and if he died at the hospital, not to save him. Bass continued to yell, telling the security officer to “shoot me” and “kill me.” Bass then walked out of the hospital.

Approximately ten minutes later, police dispatch reported a call to 911 regarding a man matching Bass’s description attempting to jump in front of a vehicle. When a police officer arrived at the location, Bass was standing directly in front of the vehicle. Bass appeared intoxicated. He admitted he had consumed six beers, and that he was on probation supervision requiring absolute sobriety. Another officer was called for assistance. Bass submitted to a preliminary breath test that revealed a blood-alcohol content of .137%.

Based on the failure to comply with the conditions of his bond, the police officers attempted to place Bass in custody. Bass initially grabbed his own wrists in an attempt to prevent the officers from handcuffing him. Once the officers were able to handcuff him and began to search Bass incident to arrest, Bass began to scream and call the officers vulgar names. Bass tried to pull away and stomped on one officer’s feet. The officers had to bring Bass to the ground to control him. Once they completed their search of his person, the officers brought Bass to his feet and attempted to place him in the squad car.

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

As the officers began walking Bass toward the squad car, Bass planted his feet in the ground and said he was going to “kill all you pigs, I’ll shoot you in the fucking head.” One of the officers had to pull Bass into the vehicle, and the other officer had to push his feet inside, all while Bass continued to scream and curse at the officers. While in the squad car, Bass said he was going to kill the officers, and he continued to call the officers vulgar names such as “fucking faggot,” “fucking pigs,” “cunt,” and “fucking bitch.”

One of the officers spoke with the individual who had contacted police, and she said Bass had been screaming and calling her a “fucking bitch.” Bass continued to be resistive with jail staff upon arrival at the jail, where he began kicking the walls and trying to hit his head against the wall. Officers had to physically restrain Bass in the elevator on the way to booking.

Bass was charged with threatening a law enforcement officer; disorderly conduct; and bail jumping, all as repeaters. Bass pleaded no contest to count one, and the remaining counts were dismissed and read in. After considering proper sentencing factors, including Bass’s extensive prior criminal history of approximately twenty convictions dating back to 1996, the circuit court imposed fifteen months’ initial confinement and three years’ extended supervision.

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 discretion. This court is satisfied that the no-merit report properly analyzes the issues raised,²

² Although not specifically discussed in the no-merit report, the record reveals the circuit court advised Bass of the potential deportation consequences of his plea, as mandated by WIS. STAT. § 971.08(1)(c).

and we will not discuss them further. Our independent review of the record fails to disclose any other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that attorney Marcella DePeters is relieved of further representing Tracy Bass in this matter.

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

Sheila T. Reiff
Clerk of Court of Appeals