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DISTRICT II

June 26, 2019

To:

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

2019AP80-CRNM State v. James Taylor (L.C. #2017CF1045)

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).

James Taylor appeals from a judgment convicting him of operating a motor vehicle while intoxicated, fifth offense, as a repeater. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Taylor

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

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, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Taylor was convicted following a no contest plea to operating a motor vehicle while intoxicated, fifth offense, as a repeater.² He had a revoked license at the time of the offense, and a test revealed a blood alcohol concentration of .247. The circuit court sentenced him to five years of initial confinement and two years of extended supervision. It also imposed a fine of \$600 plus costs/surcharges and revoked his license for three years. This no-merit appeal follows.

The no-merit report addresses potential issues of whether Taylor's plea was validly entered and whether the circuit court properly imposed its sentence. This court is satisfied that the no-merit report correctly 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. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Taylor further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Jay R. Pucek is relieved of further representation of James Taylor 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 Taylor's status as a repeater was based upon an earlier conviction for second-degree recklessly endangering safety.