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DISTRICT II

August 14, 2019

To:

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Circuit Court Judge
Sheboygan County Courthouse
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Sheboygan, WI 53081

Hon. L. Edward Stengel
Circuit Court Judge
Sheboygan County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2018AP1203-CRNM	State of Wisconsin v. Robert P. Easterling (L.C. #2016CF704)
2018AP2392-CRNM	State of Wisconsin v. Robert P. Easterling (L.C. #2016CF121)
2018AP2393-CRNM	State of Wisconsin v. Robert P. Easterling (L.C. #2016CF195)
2018AP2394-CRNM	State of Wisconsin v. Robert P. Easterling (L.C. #2016CF530)

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).

In these consolidated cases, Robert P. Easterling appeals from judgments convicting him of substantial battery, two counts of operating after revocation (OAR), and four counts of felony

bail jumping. Easterling’s appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Easterling was advised of his right to file a response but has not done so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

In February 2016, Easterling was charged with OAR and felony bail jumping. In March, he was charged with OAR and two counts of felony bail jumping. In August, he was charged with disorderly conduct, OAR, and six counts of felony bail jumping. All of the charges carried a repeater penalty enhancer. In October 2016, Easterling pled no contest to two counts of OAR and four counts of felony bail jumping. The circuit court sentenced him to concurrent six-month, time-served, jail terms on the OAR charges and withheld sentence and placed him on two years’ probation on each of the bail-jumping convictions. He would have remained on probation through October 30, 2018.

On November 7, 2016, however, Easterling picked up new charges: one count of second-degree reckless injury for stabbing a man with a box cutter and four counts of felony bail jumping, all as a repeater. He pled no contest to substantial battery with the use of a dangerous weapon—intending bodily harm as a repeater and was sentenced to thirty months’ initial confinement, followed by two years’ extended supervision, consecutive to any other sentences.

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

As a result of that conviction, Easterling's probation on the earlier three cases was revoked. At his sentencing after revocation, the circuit court imposed a six-year sentence on each count, bifurcated as three years' initial confinement and three years' extended supervision, concurrent to each other and to any other sentence. This no-merit appeal followed.

Appellate counsel has filed a comprehensive no-merit report. In regard to the substantial battery matter, the report examines the criminal complaint, the initial appearance, the preliminary hearing, the information, the request for judicial substitution, the arraignment, the plea and sentencing hearings, the propriety of the sentence, the amount of sentence credit awarded, and the accuracy of the judgment of conviction. The report correctly observes that by pleading no contest, Easterling waived his right to contest any nonjurisdictional defects or defenses. *See State v. Kraemer*, 156 Wis. 2d 761, 765, 457 N.W.2d 562 (Ct. App. 1990). As our review of the record satisfies us that the no-merit report thoroughly analyzes these potential issues and concludes they are without merit, we address them no further.

The report also considers the sentencing after revocation, and correctly observes that the issues on appeal for the revoked cases are limited to errors related to sentencing. *State v. Bush*, 2004 WI App 193, ¶13, 276 Wis. 2d 806, 688 N.W.2d 752. Once again, our review of the record satisfies us that the no-merit report thoroughly analyzed the postrevocation sentencing as a

proper exercise of discretion and that the sentence credit award in each case ultimately was correct.² We thus need address the issue no further.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the convictions, and discharges appellate counsel of the obligation to represent Easterling further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgments are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Erica L. Bauer is relieved from further representing Easterling 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 The trial court originally granted Easterling 183 days' credit in case No. 2016CF195 (appeal No. 2018AP2393-CRNM), but on postconviction motion the judgment was amended to reflect the 406 days' credit to which Easterling was entitled.