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**DISTRICT II**

August 21, 2019

To:

Hon. Eugene A. Gasiorkiewicz  
Circuit Court Judge  
730 Wisconsin Ave.  
Racine, WI 53403

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Clerk of Circuit Court  
Racine County Courthouse  
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Curtis Maurice Stewart  
5722 N. 63rd St.  
Milwaukee, WI 53218

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

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2017AP2436-CRNM      State of Wisconsin v. Curtis Maurice Stewart (L.C. #2015CF410)

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).**

Curtis Maurice Stewart appeals from a judgment convicting him of possession of cocaine with intent to deliver as a second and subsequent offense contrary to WIS. STAT. §§ 961.41(1m)(cm)1r. and 961.48(1)(b) (2015-16)<sup>1</sup> and from an order denying his postconviction

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

motion alleging ineffective assistance of trial counsel. Stewart's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Stewart received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment and the order because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The circuit court sentenced Stewart to a three and one-half year term (two years of initial confinement and eighteen months of extended supervision). The court stayed that sentence and imposed four years of probation with one year in jail as condition time. Stewart received sentence credit.

The no-merit report addresses the following possible appellate issues: (1) whether Stewart's guilty plea was knowingly, voluntarily, and intelligently entered; (2) whether the circuit court misused its sentencing discretion; and (3) whether the circuit court erred when it denied Stewart's motion to suppress and rejected his claim that trial counsel provided ineffective assistance in relation to the motion to suppress. After reviewing the record, we conclude that counsel's thorough no-merit report properly analyzes these issues and correctly concludes that these issues are without arguable merit.

The plea colloquy complied with *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. A guilty plea waives all nonjurisdictional defects and defenses. *State v. Popp*, 2014 WI App 100, ¶13, 357 Wis. 2d 696, 855 N.W.2d 471. The circuit court also engaged in a proper exercise of sentencing discretion. See *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197. Finally, the record supports the circuit court's denial of Stewart's motion to

suppress and its rejection of his ineffective assistance of trial counsel claim in connection with the motion to suppress.

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgment of conviction and the postconviction order, and relieve Attorney Kaitlin Lamb of further representation of Stewart in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kaitlin Lamb is relieved of further representation of Curtis Maurice Stewart in this matter.

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*