



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

October 9, 2019

To:

Hon. Ralph M. Ramirez
Circuit Court Judge
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Susan Lee Opper
District Attorney
515 W. Moreland Blvd., Rm. G-72
Waukesha, WI 53188-2486

Gina Colletti
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Traci L. Anderson 246712
Taycheedah Correctional Inst.
P.O. Box 3100
Fond du Lac, WI 54936-3100

Lauren Jane Breckenfelder
Assistant State Public Defender
735 N. Water St., Ste. 912
Milwaukee, WI 53202

Criminal Appeals Unit
Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

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

2019AP905-CRNM State of Wisconsin v. Traci L. Anderson (L.C. #2018CF586)

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).

Traci Anderson appeals from a judgment of conviction for battery to a law enforcement officer. Her 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). Anderson has filed a response to the

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

no-merit report. RULE 809.32(1)(e). Upon consideration of these submissions and an independent review of the record, the judgment is summarily affirmed because we conclude that there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Responding to a call for medical assistance, a Waukesha County sheriff deputy found Anderson in an intoxicated and incoherent state. At the time, Anderson was out on a bond in a case charging a felony offense of operating a motor vehicle while intoxicated (OWI). One condition of the bond was absolute sobriety. Anderson was taken to the hospital. At one point Anderson became agitated and threw a tray of food across the room. As a sheriff deputy tried to apply a wrist restraint on Anderson, she kicked the deputy in the stomach. Two police officers came to assist the deputy. Anderson resisted the officers' efforts to apply soft restraints to her ankles and wrists. Anderson was charged with felony bail jumping, battery to a law enforcement officer, and misdemeanor resisting an officer.

Anderson entered a no contest plea to the battery charge and the other two were dismissed as read-ins at sentencing. She was sentenced to three years of initial confinement and three years of extended supervision. At the same hearing, Anderson was sentenced on a sixth offense OWI conviction to four years of initial confinement and five years of extended supervision.² The sentences were ordered to be concurrent to each other.

² Although the two cases were handled together for plea and sentencing, the OWI conviction is not before the court in this appeal.

The no-merit report addresses the potential issues of whether Anderson’s plea was knowingly, voluntarily, and intelligently entered and whether the sentence was the result of an erroneous exercise of discretion, unduly harsh or excessive, based on inaccurate information, or otherwise subject to modification based on a new factor. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

In her response to the no-merit report, Anderson asserts that the sentence—the maximum—was too harsh because she had no history of violence, she had an extremely high blood alcohol content at the time of the crime, and there was “clear bias toward me from the judge because of the OWI case.” She seeks resentencing. The record demonstrates that the sentencing court considered Anderson’s lack of a violent history and her extreme intoxication at the time of the crime. The court weighed those factors against the need to protect the public. The court properly exercised its discretion and there is no arguable merit to a claim for resentencing.

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

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Lauren J. Breckenfelder is relieved from further representing Traci Anderson 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