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February 19, 2020

To:

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

2018AP2166-CRNM State of Wisconsin v. Frederick Bonds, Jr. (L.C. #2016CF376)

Before Neubauer, C.J., Reilly, P.J., and Davis, 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).

Frederick Bonds, Jr., appeals from a judgment sentencing him after revocation of his probation for possessing tetrahydrocannabinols as a second or subsequent offense contrary to WIS. STAT. § 961.41(3g)(e) (2015-16). Bonds' 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). Bonds 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 because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The no-merit report addresses whether the circuit court misused its sentencing discretion. The circuit court sentenced Bonds to a three and one-half year term (one and one-half years of initial confinement and two years of extended supervision). Bonds received sentence credit. After reviewing the record, we conclude that counsel's no-merit report properly analyzes this issue and correctly concludes that this issue lacks arguable merit for appeal. The circuit court engaged in a proper exercise of sentencing discretion after considering various sentencing factors. *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (we review the sentence for a misuse of discretion); *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (sentencing factors discussed).

The sentencing transcript reveals that the State argued for a more severe sentence than it may have recommended as part of the plea agreement. No issue with arguable merit is presented. Once Bonds' probation was revoked, the State was free to argue for any type of sentence. *State v. Windom*, 169 Wis. 2d 341, 350, 485 N.W.2d 832 (Ct. App. 1992).

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

In addition to the issues discussed above, we have independently reviewed the record relating to the sentencing after revocation.² Our independent review of the record did not disclose any arguably 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 relieve Attorney Vicki Zick of further representation of Bonds in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of further representation of Frederick Bonds, Jr., in this matter.

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

Sheila T. Reiff
Clerk of Court of Appeals

² This appeal does not bring issues before this court related to entry of Bonds' guilty plea or the original judgment finding him guilty of this offense. *State v. Scaccio*, 2000 WI App 265, ¶10, 240 Wis. 2d 95, 622 N.W.2d 449.