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**DISTRICT II**

March 11, 2020

To:

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Kenosha County Courthouse  
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Jason A. Olrich  
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Twin Lakes, WI 53181

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

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2019AP1889-CRNM      State of Wisconsin v. Jason A. Olrich (L.C. #2015CF872)

Before Reilly, P.J., Gundrum and Davis, JJ.

**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).**

Jason A. Olrich appeals from a judgment convicting him of delivering between five and fifteen grams of cocaine and possessing a firearm as a felon. His appellate counsel filed a no-

merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Olrich filed a response. After reviewing the record, counsel's report, and Olrich's response, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. See WIS. STAT. RULE 809.21.

Olrich was convicted following guilty pleas to delivering between five and fifteen grams of cocaine and possessing a firearm as a felon. The charges stemmed from allegations that Olrich delivered cocaine to a confidential informant and handled a firearm while a felon. Several additional charges were dismissed and read in. The circuit court imposed a sentence of two years of initial confinement and two years of extended supervision on the firearm charge. It also ordered a concurrent term of seven years of probation on the cocaine charge.

Olrich filed a postconviction motion to amend the judgment of conviction so that it was consistent with the parties' plea agreement and the circuit court's oral pronouncement.<sup>2</sup> The circuit court granted the motion and amended the judgment. This no-merit appeal follows.

The no-merit report addresses whether Olrich's guilty pleas were knowingly, voluntarily, and intelligently entered. The record shows that the circuit court engaged in a colloquy with Olrich that satisfied the applicable requirements of WIS. STAT. § 971.08(1) and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. In addition, a signed plea questionnaire and waiver of rights form was entered into the record, along with attachments detailing the

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

<sup>2</sup> The original judgment of conviction included repeater and second or subsequent offense enhancers on the charges. This was inconsistent with the parties' agreement to vacate them. The judgment also indicated that the counts would run consecutive to one another. This was inconsistent with the circuit court's oral pronouncement, which contemplated their overlap.

elements of the offenses. We agree with counsel that a challenge to the entry of Olrich's guilty pleas would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. The record reveals that the court's sentencing decision had a "rational and explainable basis." *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). The court considered the seriousness of the offenses, Olrich's character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, the sentencing decision does not "shock public sentiment and violate the judgment of reasonable people concerning what is right and proper." *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to it would lack arguable merit.

As noted, Olrich filed a response, which is rambling and difficult to follow. In it, he appears to complain that (1) his case was not adequately examined by private investigators for possible defenses; (2) his trial counsel failed to file unspecified suppression motions; and (3) he was convicted with fake police reports/tampered evidence/incomplete discovery. We are not persuaded that Olrich's response presents an issue of arguable merit. To begin, by entering his pleas, Olrich forfeited his ability to raise defenses to the charges against him. See *State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886. Moreover, there is nothing in the record to suggest that Olrich's convictions lack a factual basis or were based upon fake police reports/tampered evidence/incomplete discovery.

Our independent review of the record does 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 and relieve Attorney Colleen Marion of further representation 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 Colleen Marion is relieved of further representation of Olrich 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*