



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](http://www.wicourts.gov)

**DISTRICT III**

March 17, 2020

To:

Hon. Scott R. Needham  
Circuit Court Judge  
St. Croix County Courthouse  
1101 Carmichael Rd.  
Hudson, WI 54016

Kristi Severson  
Clerk of Circuit Court  
St. Croix County Courthouse  
1101 Carmichael Rd.  
Hudson, WI 54016

Michael E. Nieskes  
District Attorney  
1101 Carmichael Rd., Ste. 2301  
Hudson, WI 54016

Mark A. Schoenfeldt  
Law Firm of Mark Schoenfeldt  
230 W. Wells St., Ste. 706  
Milwaukee, WI 53203

Joel M. Bruflo dt 650678  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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:

---

2018AP1614-CRNM      State of Wisconsin v. Joel M. Bruflo dt (L. C. No. 2015CF370)

Before Stark, P.J., Hruz and Seidl, 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).**

Counsel for Joel Bruflo dt has filed a no-merit report concluding there is no basis to challenge Bruflo dt's convictions for possession with intent to deliver methamphetamine; felony bail jumping; and possession of drug paraphernalia. Bruflo dt was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v.*

*California*, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal, and we summarily affirm. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup>

A search warrant was executed on the hotel room Brufloft was using as a residence in River Falls. The search revealed numerous syringes, rubber tubing, fifteen grams of methamphetamine, twenty-seven grams of tetrahydrocannabinols, an assortment of prescription pills, glass pipes, a digital scale, a pellet gun similar in appearance to a revolver, and \$545 consisting mostly of twenty-dollar bills. Brufloft had been released from jail on a felony bond in an Oneida County case. Police also took into custody two females in the room, both of whom had active outstanding warrants.

Following a waiver of his *Miranda* rights,<sup>2</sup> Brufloft stated he had been staying at the hotel for about two weeks because he had gotten into a fight with his sister and was no longer welcome at her house. He initially denied, but then admitted, the methamphetamine was his. Brufloft admitted selling methamphetamine for about a year to support his drug habit, and he admitted he had picked up methamphetamine the previous day.

An amended Information charged Brufloft with one count of possession with intent to deliver methamphetamine; one count of felony bail jumping; and one count of possession of drug paraphernalia. Following a jury trial, Brufloft was convicted on all counts. The circuit court imposed sentences consisting of ten years' initial confinement and ten years' extended supervision on the methamphetamine count; a concurrent sentence of three years' initial

---

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

<sup>2</sup> Referring to *Miranda v. Arizona*, 384 U.S. 436 (1966).

confinement and three years' extended supervision on the bail jumping count; and thirty days' jail on the drug paraphernalia count.

The no-merit report addresses potential issues concerning whether the evidence was sufficient to sustain the convictions; whether the circuit court properly exercised its sentencing discretion; and whether Brufoldt received effective assistance of counsel. Upon our independent review of the record, we agree with counsel's description, analysis, and conclusion that any challenge to these issues would lack arguable merit, and we will not further address them. Although not addressed in the no-merit report, our independent review of the record also discloses no issue of arguable merit as to whether Brufoldt knowingly, intelligently, and voluntarily waived his right to remain silent at trial. While not required, the court conducted an extensive on-the-record colloquy outside the presence of the jury that adequately ensured that Brufoldt rendered a knowing, intelligent, and voluntary decision to testify. *See State v. Denson*, 2011 WI 70, ¶8, 335 Wis. 2d 681, 799 N.W.2d 831.

Our independent review of the record discloses no other potential issues for appeal.<sup>3</sup>

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Mark A. Schoenfeldt is relieved of his obligation to further represent Joel Brufoldt in this matter. *See* WIS. STAT. RULE 809.32(3).

---

<sup>3</sup> We note the COMPAS risk assessment was mentioned in the presentence investigation report, but the record shows it was not "determinative" of the sentence imposed. *See State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749. Any challenge to the sentence based upon COMPAS would therefore lack arguable merit.

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

---

*Sheila T. Reiff*  
*Clerk of Court of Appeals*