



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

April 15, 2020

To:

Hon. Jodi L. Meier
Circuit Court Judge
Kenosha County Courthouse
912 56th St.
Kenosha, WI 53140

Kelsey Jarecki Morin Loshaw
Assistant State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
912 56th St.
Kenosha, WI 53140

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

Michael D. Graveley
District Attorney
912 56th St.
Kenosha, WI 53140-3747

Patrick E. Southall, #650202
Columbia Correctional Inst.
P.O. Box 900
Portage, WI 53901-0900

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

2019AP97-CRNM State of Wisconsin v. Patrick E. Southall (L.C. #2017CF309)

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).

Patrick E. Southall appeals from a judgment convicting him of burglary contrary to WIS. STAT. § 943.10(1m)(a) (2017-18)¹ and from a circuit court order denying his sentence modification motion. Southall's appellate counsel filed a no-merit report pursuant to WIS. STAT.

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

RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Southall 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 order because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The circuit court sentenced Southall to a twelve and one-half year term (seven and one-half years of initial confinement and five years of extended supervision) with eligibility for the Challenge Incarceration Program and the Substance Abuse Program. Southall stipulated to restitution, which the circuit court imposed. Southall received sentence credit.

The no-merit report addresses the following possible appellate issues: (1) whether Southall's guilty plea was knowingly, voluntarily and intelligently entered; and (2) whether the circuit court misused its sentencing discretion or should have modified Southall's sentence postconviction. After reviewing the record, we conclude that counsel's no-merit report properly analyzes these issues and correctly determines that these issues lack arguable merit.

The plea colloquy complied with *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. The colloquy was thorough and informed Southall of each of the constitutional rights waived by his plea. “[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 (citation omitted).

The circuit court also 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 circuit court did

not err in rejecting Southall's claim that the sentence was unduly harsh. In doing so, the court reiterated its sentencing rationale and declined to modify Southall's sentence.

In addition to the issues discussed above, we have independently reviewed the record. 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 order of the circuit court, and relieve Attorney Kelsey Jarecki Morin Loshaw of further representation of Southall 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 Kelsey Jarecki Morin Loshaw is relieved of further representation of Patrick E. Southall in this matter.

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

Sheila T. Reiff
Clerk of Court of Appeals