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**DISTRICT 1**

May 12, 2020

To:

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

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2019AP1701-CRNM	State of Wisconsin v. Justin M. Rother (L.C. # 2018CF713)
2019AP1702-CRNM	State of Wisconsin v. Justin M. Rother (L.C. # 2018CF1319)

Before Brash, P.J., Dugan and White, 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).**

Justin M. Rother appeals from judgments of conviction for disorderly conduct as an act of domestic abuse and a domestic abuse repeater, and misdemeanor intimidation of a victim as an act of domestic abuse. His appellate counsel has 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). Rother received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the records as mandated by *Anders*, we conclude that the judgments may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Rother was charged with misdemeanor battery and disorderly conduct after police were called to the residence he shared with his live-in girlfriend. His girlfriend reported that Rother had punched her in the head multiple times and pushed her against a wall squeezing her throat with both hands. The charges included domestic abuse enhancers. Rother was also charged as a repeat domestic abuse offender raising each charge to a felony. About six weeks after his arrest, Rother was charged with two counts of intimidation of a victim as an act of domestic abuse—one misdemeanor and one felony—after Rother made numerous calls to his girlfriend encouraging her to tell the prosecutor she lied about what happened and to say that her injuries were sustained in an icy fall.

Rother pled guilty to the felony disorderly conduct as an act of domestic abuse and a domestic abuse repeater in the first complaint and the misdemeanor intimidation of a victim as an act of domestic abuse in the second complaint. As part of the plea agreement, the other two charges were dismissed as read-ins at sentencing. The prosecution agreed to recommend incarceration and that the sentences be consecutive to any sentence Rother was already serving, and leave the length and place to the trial court's discretion. Rother was sentenced to

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

consecutive sentences of one year of initial confinement and one year of extended supervision on the felony disorderly conduct and nine months in the House of Corrections on the misdemeanor intimidation of a witness.

The no-merit report addresses the potential issues of whether Rother's plea was freely, voluntarily, and knowingly entered, and whether the sentence was the result of an erroneous exercise of discretion or unduly harsh. 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.

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

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Lauren Jane Breckenfelder is relieved from further representing Justin M. Rother in these appeals. *See* WIS. STAT. RULE 809.32(3).

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*