



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 IV

September 17, 2020

To:

Hon. Todd J. Hepler
Circuit Court Judge
Columbia County Courthouse
400 DeWitt St., P.O. Box 587
Portage, WI 53901

Susan K. Raimer
Clerk of Circuit Court
Columbia County Courthouse
400 DeWitt St., P.O. Box 587
Portage, WI 53901-2157

Jane E. Kohlwey
District Attorney
P.O. Box 638
Portage, WI 53901-0638

Susan E. Alesia
Assistant State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

Justin D. Blanchard 359468
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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:

2019AP1025-CRNM	State of Wisconsin v. Justin D. Blanchard (L.C. # 2014CF328)
2019AP1026-CRNM	State of Wisconsin v. Justin D. Blanchard (L.C. # 2014CF402)

Before Fitzpatrick, P.J., Kloppenburg, and Nashold, 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).

Attorney Catherine Malchow, appointed counsel for Justin Blanchard, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Malchow has since been replaced by Susan Alesia. Counsel provided Blanchard

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

with a copy of the report, and both counsel and this court advised him of his right to file a response. Blanchard has not responded. We conclude that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the records, we conclude that there is no arguable merit to any issue that could be raised on appeal.

In 2015, Blanchard pled no contest to suffocation or strangulation and felony bail jumping. The circuit court withheld sentence and placed him on probation. After revocation of probation, the court imposed the maximum sentences on both counts of three years of initial confinement and three years of extended supervision, consecutive to each other and to any other sentences. Blanchard filed and prevailed on a postconviction motion for additional sentence credit and eligibility for the substance abuse program in one of the cases.

The no-merit report addresses whether the sentences after revocation are within the legal maximum and whether the circuit court erroneously exercised its sentencing discretion. The sentences are within the legal maximum for the reasons explained in the no-merit report. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In these cases, the circuit court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the records discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Susan Alesia is relieved of further representation of Justin Blanchard in these matters. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals