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**DISTRICT IV**

November 25, 2020

To:

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

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2019AP937-CRNM	State of Wisconsin v. Michael A. Purnell (L.C. # 2016CF141)
2019AP938-CRNM	State of Wisconsin v. Michael A. Purnell (L.C. # 2017CF153)

Before Blanchard, Graham, 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 Vicki Zick, appointed counsel for Michael Purnell, has filed no-merit reports in these consolidated appeals, seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE

809.32 (2017-18)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Purnell was sent a copy of the reports and has not filed a response. Upon consideration of the no-merit reports and an independent review of the records, we conclude that there is no arguable merit to any issue that could be raised on appeal. Accordingly, we affirm.

As part of a global plea agreement, Purnell pled guilty in two circuit court cases to one count of operating a motor vehicle while intoxicated as a seventh offense and one count of operating a motor vehicle while intoxicated as an eighth offense.<sup>2</sup> Numerous other counts were dismissed. For each of the operating while intoxicated counts to which Purnell pled guilty, the circuit court imposed consecutive sentences consisting of three years of initial confinement and three years of extended supervision.

The no-merit reports address whether the prosecutor breached the plea agreement by arguing for consecutive sentences. We agree with counsel that there is no arguable merit to this issue because the records show no basis to conclude that the prosecutor agreed to recommend concurrent sentences. On the contrary, when the prosecutor described the plea agreement on the record, the prosecutor stated: “We have no restrictions on sentences or argument.” Both Purnell’s counsel and Purnell then acknowledged that their understanding of the agreement was as set forth by the prosecutor.

The no-merit reports next address whether Purnell’s pleas were knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. The circuit court’s

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

<sup>2</sup> The global plea agreement included additional guilty pleas in a third circuit court case that Purnell has not appealed.

plea colloquy, including the court's references to the plea questionnaire and waiver of rights form, sufficiently complied with the requirements of WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, relating to the nature of the charges, the rights Purnell was waiving, and other matters.

Finally, the no-merit reports address whether the circuit court erroneously exercised its sentencing discretion. We agree with counsel that there is no arguable merit to this issue. The circuit court's sentencing remarks show that the court considered the required sentencing factors along with other relevant factors, and that the court did not rely on any inappropriate factors. *See State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. We see no other arguable basis for Purnell to challenge his sentences.

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 Vicki Zick is relieved of any further representation of Michael Purnell in this matter. *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*