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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  
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**DISTRICT II**

January 13, 2021

To:

Hon. Joseph W. Voiland  
Circuit Court Judge  
Ozaukee County Circuit Court  
1201 S. Spring St.  
Port Washington, WI 53074

Adam Y. Gerol  
District Attorney  
P.O. Box 994  
Port Washington, WI 53074-0994

Marylou Mueller  
Clerk of Circuit Court  
Ozaukee County Circuit Court  
1201 S. Spring St.  
Port Washington, WI 53074-0994

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

Jorge R. Fragoso  
Assistant State Public Defender  
735 N. Water St., Ste. 912  
Milwaukee, WI 53202-4116

Romell M. Reliford 314938  
Racine Correctional Inst.  
P.O. Box 900  
Sturtevant, WI 53177-0900

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

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2019AP1010-CRNM	State v. Romell M. Reliford	(L.C. #2016CF106)
2019AP1011-CRNM	State v. Romell M. Reliford	(L.C. #2016CF210)

Before Neubauer, C.J., Reilly, P.J., and Davis, 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).**

In these consolidated appeals, Romell M. Reliford appeals from judgments sentencing him after revocation of his probation for battery contrary to WIS. STAT. § 940.19(1) (2015-16),<sup>1</sup> theft contrary to WIS. STAT. §§ 943.20(1)(a) and (3)(a), disorderly conduct contrary to WIS.

STAT. § 947.01(1), and felony bail jumping contrary to WIS. STAT. § 946.49(1)(b). Reliford's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18) and *Anders v. California*, 386 U.S. 738 (1967). Reliford 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 judgments because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21 (2017-18).

The no-merit report addresses whether the circuit court misused its discretion in imposing concurrent sentences for battery (nine months), theft (nine months), and disorderly conduct (ninety days) to be served consecutively to a four-year sentence for felony bail jumping (two years of initial confinement and two years of extended supervision).

After reviewing the record, we conclude that counsel's no-merit report properly analyzes the sentencing after revocation.<sup>2</sup> The circuit court's duty at sentencing after probation revocation was the same as its duty at the original sentencing. *State v. Wegner*, 2000 WI App 231, ¶7 n.1, 239 Wis. 2d 96, 619 N.W.2d 289. In fashioning the sentences after revocation, the court considered the severity of the offenses, Reliford's character and history of other offenses, his failure on probation, and the need to protect the public. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The weight to be given the various factors was within the

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

<sup>2</sup> Any challenge to the underlying convictions of battery, theft, disorderly conduct and felony bail jumping is outside the scope of this appeal. *State ex rel. Marth v. Smith*, 224 Wis. 2d 578, 582 n.5, 592 N.W.2d 307 (Ct. App. 1999). In addition, review of probation revocation is by way of certiorari review to the court of conviction. *Id.* at 583.

circuit court's discretion. *State v. Stenzel*, 2004 WI App 181, ¶16, 276 Wis. 2d 224, 688 N.W.2d 20. The sentencing court exercised its discretion on a "rational and explainable basis." *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). There would be no arguable merit to a challenge to the sentences.

Our independent review of the record does not disclose any potentially meritorious issue for appeal.<sup>3</sup> 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 judgments, and relieve Attorney Jorge R. Fragoso of further representation of Romell Reliford in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21 (2017-18).

IT IS FURTHER ORDERED that Attorney Jorge R. Fragoso is relieved of further representation of Romell Reliford in this matter.

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*

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<sup>3</sup> We have also considered the award of sentence credit and the circuit court's decision to make Reliford eligible for the Challenge Incarceration Program and the Substance Abuse Program. We conclude that no issue with arguable merit for appeal arises.