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DISTRICT II

February 3, 2021

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

2020AP1110-CRNM State of Wisconsin v. Michelle A. Dantonio (L.C. #2018CF1611)

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).

Michelle A. Dantonio appeals from a judgment convicting her of operating a motor vehicle while intoxicated (OWI) as a fourth offense. Her appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Dantonio filed a response. Counsel then filed a supplemental no-merit report. After reviewing the record, counsel's reports, and Dantonio's response, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Dantonio was convicted following a guilty plea to OWI as a fourth offense. She was accused of driving her car with a blood alcohol concentration of 0.267. An additional charge of misdemeanor bail jumping was dismissed and read in. For her actions, the circuit court imposed a sentence of three years of initial confinement, three years of extended supervision, and a fine of \$2400.

The no-merit report addresses potential issues of whether Dantonio's plea was validly entered and whether the circuit court properly exercised its discretion at sentencing. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and this court will not discuss them further.

As noted, Dantonio filed a response to the no-merit report. In it, she inquires as to the allocation of sentence credit between this case and a companion case—Waukesha County case No. 2018CF1724. As explained in the supplemental no-merit report, the circuit court has already

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

allocated the sentence credit in the manner that Dantonio requested.² Accordingly, we are satisfied that Dantonio's response does not present an issue of arguable merit.

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

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorneys David Malkus and Leon W. Todd, III, are relieved of further representation of Michelle A. Dantonio in this appeal. *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

² Dantonio's counsel filed a postconviction motion on the issue, which the circuit court granted.