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DISTRICT IV

June 10, 2020

To:

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

2020AP120-CRNM State of Wisconsin v. Jeffrey A. Nelson (L.C. # 2018CF539)

Before Fitzpatrick, P.J., Blanchard, and Graham, 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 Jennifer Lohr, appointed counsel for Jeffrey Nelson, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Nelson was sent a copy of the report and has not

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

filed a response. Upon consideration of the report and an independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal. Accordingly, we affirm.

Nelson was initially charged with first-degree recklessly endangering safety, as an act of domestic abuse. According to the complaint allegations, Nelson fired a shotgun shell containing rock salt at his wife. Nelson agreed to plead no contest to a reduced charge of second-degree recklessly endangering safety, as an act of domestic abuse, with the parties free to argue for whatever sentence they thought appropriate. The circuit court accepted Nelson's plea and found him guilty. The court sentenced Nelson to an eight-year term of imprisonment consisting of five years of initial confinement and three years of extended supervision, concurrent to any other sentence.

The no-merit report addresses whether Nelson's no-contest plea was knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. The circuit court's 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 charge, the maximum penalty, the rights Nelson was waiving, and other matters.

The no-merit report next addresses 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 considered the required sentencing factors along with other relevant factors, and 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 Nelson to challenge his sentence.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Jennifer Lohr is relieved of any further representation of Jeffrey Nelson in this matter. *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