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DISTRICT I

October 5, 2021

To:

Hon. David A. Hansher
Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
Electronic Notice

Winn S. Collins
Electronic Notice

John D. Flynn
Electronic Notice

Bradley J. Lochowicz
Electronic Notice

Jeffrey Scott 330833
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2020AP2054-CRNM State of Wisconsin v. Jeffrey Scott (L.C. # 2018CF5109)

Before Brash, C.J., Donald, P.J., and White, 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).

Jeffrey Scott appeals a judgment convicting him of three counts of robbery of a financial institution. Appointed appellate counsel, Bradley J. Lochowicz, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20),¹ and *Anders v. California*, 386 U.S. 738, 744 (1967). Scott was notified that a no-merit report was filed and was advised of his right to file a response, but he has not responded. After considering the report and conducting an independent review of

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

the record, as required by *Anders*, we conclude that there are no issues of arguable merit that could be raised on appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

The no-merit report first addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its sentencing discretion when it sentenced Scott to fifteen years of initial confinement and fifteen years of extended supervision on each count, to be served concurrently to each other and to the sentence Scott was serving after revocation. The record establishes that the circuit court considered the general objectives of sentencing and applied the sentencing factors to the facts of this case, reaching a reasoned and reasonable result. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (stating that the circuit court must identify the factors it considered and explain how those factors fit the sentencing objectives and influenced its sentencing decision). The circuit court properly found Scott ineligible for the Challenge Incarceration Program or the Substance Abuse Program based on his prior record and the seriousness of his crimes. Accordingly, there would be no arguable merit to a challenge to the sentence.

The no-merit report next addresses whether there would be arguable merit to a claim that Scott should be allowed to withdraw his guilty pleas because he did not knowingly, intelligently, and voluntarily enter the same. The circuit court conducted a colloquy with Scott that complied with WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). Before the plea hearing, Scott reviewed a plea questionnaire and waiver of rights form with his trial counsel and signed it. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (stating that the circuit court may rely on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about the rights he or she is waiving). Scott

stipulated that the criminal complaint provided a factual basis to convict him of the crimes. Therefore, there would be no arguable merit to an appellate challenge to the pleas.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the judgment of conviction, and discharge appellate counsel of the obligation to further represent Scott.

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

IT IS FURTHER ORDERED that Attorney Bradley J. Lochowicz is relieved from further representing Scott. *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