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DISTRICT II

November 10, 2021

To:

Hon. Michael J. Piontek
Circuit Court Judge
Electronic Notice

Samuel A. Christensen
Clerk of Circuit Court
Racine County
Electronic Notice

Marcella De Peters
Electronic Notice

Patricia J. Hanson
Electronic Notice

Winn S. Collins
Electronic Notice

Samuel L. Griffin 73452
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2019AP809-CRNM State of Wisconsin v. Samuel L. Griffin (L.C. #2016CF724)

Before Gundrum, P.J., Neubauer and Reilly, 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).

Samuel L. Griffin appeals from a judgment convicting him of possession with intent to deliver heroin in an amount between ten and fifty grams, possession with intent to deliver cocaine in an amount between five and fifteen grams, and possessing a firearm as a convicted felon. His appellate counsel 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). Griffin received a copy of the report,

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

was advised of his right to file a response, and elected not to do so. Upon consideration of the report and an independent review of the record, we conclude that the judgment may be summarily affirmed because there are no arguably meritorious issues for appeal. *See* WIS. STAT. RULE 809.21.

The State filed a complaint charging Griffin with the following five felonies: possession with intent to deliver heroin in an amount over fifty grams, as a drug repeater (count one); possession with intent to deliver cocaine in an amount between five and fifteen grams, as a drug repeater (count two); maintaining a drug trafficking place, as a drug repeater (count three); possession of a firearm by a felon (count four); and possession of body armor (count five). As part of a negotiated settlement, the State filed an amended information reducing the amount of heroin in count one to between ten and fifty grams and removing the sentencing enhancers from counts one through four. Griffin pled guilty to counts one, two and four of the amended information, and the other two counts were dismissed but read in. The State agreed to recommend prison but remain silent as to the amount. Griffin was sentenced to an aggregate bifurcated sentence totaling twenty-three years, with fifteen and one-half years of initial confinement followed by seven and one-half years of extended supervision.² This no-merit appeal follows.

² On count one, the circuit court imposed fourteen years of initial confinement followed by six years of extended supervision. On count two, the court imposed five years of initial confinement followed by five years of extended supervision, to run concurrent with count one. On count four, the court imposed eighteen months of initial confinement followed by eighteen months of extended supervision, to run consecutive.

Appointed counsel's no-merit report addresses (1) whether the circuit court properly determined that Griffin was competent to proceed; (2) whether Griffin's guilty pleas were knowingly, voluntarily, and intelligently entered; and (3) whether the circuit court properly exercised its discretion in imposing sentence. 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.

Our review of the record discloses no other potential issues for appeal. Accordingly, the court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to further represent Griffin in this 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 Marcella De Peters is relieved from further representing Samuel L. Griffin 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