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DISTRICT I

November 30, 2021

To:

Hon. David A. Feiss
Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
Electronic Notice

Winn S. Collins
Electronic Notice

John D. Flynn
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Vicki Zick
Electronic Notice

Jeremy Denard Tobias 430155
Sturtevant Transitional Facility
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Sturtevant, WI 53177

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

2020AP825-CRNM	State of Wisconsin v. Jeremy Denard Tobias (L.C. # 2017CM4356)
2020AP826-CRNM	State of Wisconsin v. Jeremy Denard Tobias (L.C. # 2018CF550)
2020AP827-CRNM	State of Wisconsin v. Jeremy Denard Tobias (L.C. # 2018CF2931)

Before Brash, C.J., Dugan and White, 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).

In these consolidated appeals, Jeremy Denard Tobias appeals his convictions for three felonies and six misdemeanors, including physical abuse of a child, felony bail jumping, felony intimidation of a witness, battery, disorderly conduct, and misdemeanor bail jumping.¹ Tobias's

¹ The domestic abuse surcharge was imposed for three counts of battery and two counts of disorderly conduct because of the relationship between Tobias and the victim. *See* WIS. STAT. § 973.055(1) (2019-20).

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

appellate counsel, Vicki Zick, has filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. Tobias was informed of his right to file a response and has not filed one. We have independently reviewed the records and the no-merit report, as mandated by *Anders*. We conclude that there is no issue of arguable merit that could be pursued on appeal. Therefore, we summarily affirm the judgments.

The charges in these cases relate to three separate incidents involving the mother of Tobias's children, including one incident that also involved Tobias's child. At trial, the woman testified about abuse that she and her child experienced, and the jury also viewed a short video of Tobias hitting the child with a belt. The woman testified that Tobias told her not to participate in court proceedings. A jury found Tobias guilty of nine crimes, as detailed in the no-merit report, and acquitted him of one additional count. The circuit court imposed consecutive and concurrent sentences that will require Tobias to serve a total of forty-three months of initial confinement and thirty-six months of extended supervision.² Tobias received sentence credit against each count after the judgments of conviction were amended in response to a request from the Department of Corrections to clarify the amount of sentence credit for each of the concurrent sentences.

The no-merit report addresses four primary issues, including: (1) whether the charges and cases were properly joined; (2) whether there was sufficient evidence to support each of the jury's verdicts; (3) whether there were any errors with respect to the sentencing; and (4) whether Tobias is entitled to a new trial based on newly discovered evidence (i.e., a medical report). The no-merit report thoroughly addresses each of those issues, providing citations to the record and

² The no-merit report states that Tobias will serve forty-five months of initial confinement, but the sentences imposed a total of forty-three months of initial confinement.

relevant authority. The no-merit report also briefly addresses jury selection, openings and closings, and the voluntariness of Tobias's decision not to testify.

This court is satisfied that the no-merit report properly analyzes the issues it raises. Based on our independent review of the record, we agree with counsel's assessment that none of those issues presents 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 convictions, and discharges appellate counsel of the obligation to represent Tobias further in these appeals.

Upon the foregoing reasons,

IT IS ORDERED that the judgments are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved from further representing Jeremy Denard Tobias in these appeals. *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