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DISTRICT III

December 7, 2021

To:

Hon. Timothy A. Hinkfuss
Circuit Court Judge
Electronic Notice

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

David L. Lasee
Electronic Notice

Jeremy Newman
Electronic Notice

Steven Martinez
c/o St. John's Homeless Shelter
411 St. John Street
Green Bay, WI 54301

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

2019AP1099-CRNM State of Wisconsin v. Steven Martinez (L. C. No. 2012CF104)

Before Stark, P.J., Hruz and Gill, 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).

Counsel for Steven Martinez has filed a no-merit report concluding there is no basis to challenge Martinez's sentence after revocation of his probation. Martinez was advised of his right to respond, and has failed to do so. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no merit to any

issue that could be raised on appeal, and we summarily affirm. *See* WIS. STAT. RULE 809.21 (2019-20).¹

While on a three-year term of probation for receiving stolen property and felony bail jumping, Martinez absconded for six months, violated numerous conditions of supervision, and was revoked from his probation after declining an alternative to revocation. Martinez returned to court for sentencing after revocation, and the circuit court imposed three years' initial confinement and eighteen months' extended supervision on the stolen property count, and one year of initial confinement and eighteen months' extended supervision on the bail jumping count, concurrently. The court also granted stipulated sentence credit of 392 days and made Martinez eligible for early release through the Wisconsin Substance Abuse Program and the Challenge Incarceration Program. Additionally, the court ordered any remaining financial obligations to be converted to a civil judgment.

On an appeal of a sentence after revocation, our review is limited to the sentencing proceeding after the revocation, and we will not review the original judgment of conviction, the underlying plea process, or the propriety of the revocation. *State v. Drake*, 184 Wis. 2d 396, 399, 515 N.W.2d 923 (Ct. App. 1994). Here, the no-merit report addresses the potential issue of whether the circuit court properly exercised its discretion when it sentenced Martinez after revocation of his probation. We agree with counsel's description, analysis, and conclusion that

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

any challenge to that issue would lack arguable merit, and we will not further address it. Our independent review of the record discloses no other potential issues for appeal.²

Therefore, upon the foregoing,

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

IT IS FURTHER ORDERED that Attorney Jeremy Newman is relieved of further representing Steven Martinez 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

² The circuit court referenced the COMPAS risk assessment, but it was not determinative of the sentence imposed. *See State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749.