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**DISTRICT II**

March 2, 2022

To:

Hon. Mark F. Nielsen  
Circuit Court Judge  
Electronic Notice

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

Patricia J. Hanson  
Electronic Notice

Kathleen A. Lindgren  
Electronic Notice

Winn S. Collins  
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Quentin T. Patterson, #567873  
Oshkosh Correctional Inst.  
P.O. Box 3310  
Oshkosh, WI 54903-3310

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

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2020AP1289-CRNM      State of Wisconsin v. Quentin T. Patterson (L.C. #2014CF1375)

Before Gundrum, P.J., Neubauer and Grogan, 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).**

Quentin T. Patterson appeals from judgments convicting him of substantial battery contrary to WIS. STAT. § 940.19(2) (2013-14), taking and driving a vehicle without consent as party to the crime contrary to WIS. STAT. § 943.23(2) (2013-14), and two counts of attempted armed robbery with use of force and as party to the crime contrary to WIS. STAT. § 943.32(1)(a) (2013-14), and from an order denying his motion seeking sentence modification. Patterson's

appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Patterson received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments and the order because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The no-merit report addresses the following possible appellate issues: (1) whether Patterson’s no contest pleas were knowingly, voluntarily and intelligently entered; (2) whether the circuit court misused its sentencing discretion; and (3) whether the circuit court erred when it declined to modify Patterson’s sentence. After reviewing the record, we conclude that counsel’s no-merit report properly analyzes these issues and correctly determines that these issues lack arguable merit.

The plea colloquy complied with *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. A “no contest plea waives all nonjurisdictional defects and defenses.” *State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53. Any challenge to the entry of Patterson’s no contest pleas would lack arguable merit for appeal.

The circuit court engaged in a proper exercise of sentencing discretion after considering various sentencing factors. *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (we review the sentence for a misuse of discretion); *State v. Ziegler*, 2006 WI App 49, ¶23,

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

289 Wis. 2d 594, 712 N.W.2d 76 (sentencing objectives and factors discussed). Patterson received sentence credit.

Postconviction, Patterson argued that at sentencing the circuit court relied upon inaccurate information because he did not possess a firearm during the commission of the crimes. Patterson sought a reduction in his sentence or a determination that he was eligible for an early release program. The circuit court found that the testimony of Patterson's coactor that Patterson did not wield a firearm was less credible than the victim's statement that he did. These credibility determinations were for the circuit court to make. *State v. Peppertree Resort Villas, Inc.*, 2002 WI App 207, ¶19, 257 Wis. 2d 421, 651 N.W.2d 345 (citation omitted) (the circuit court "is the ultimate arbiter of the credibility of the witnesses and the weight to be given to each witness's testimony"). We agree that there would be no arguable merit to a challenge to the circuit court's determination that Patterson's sentence was not based on inaccurate information. See *State v. Tjepelman*, 2006 WI 66, ¶28, 291 Wis. 2d 179, 717 N.W.2d 1.

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any arguably meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgments of conviction and the order denying sentence modification, and relieve Attorney Kathleen Lindgren of further representation of Patterson in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgments and order of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kathleen A. Lindgren is relieved of further representation of Quentin T. Patterson in this matter.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*