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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

March 16, 2022

To:

Hon. John A. Jorgensen
Circuit Court Judge
Electronic Notice

Tara Berry
Clerk of Circuit Court
Winnebago County
Electronic Notice

Winn S. Collins
Electronic Notice

David J. Susens
Electronic Notice

Floyd M. Lamm, #441558
New Lisbon Correctional Inst.
P.O. Box 2000
New Lisbon, WI 53950-2000

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

2021AP1957-CRNM State of Wisconsin v. Floyd M. Lamm (L.C. #2020CF279)

Before Gundrum, P.J., Grogan and Kornblum, 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).

Floyd M. Lamm appeals from a judgment convicting him of operating a motor vehicle while intoxicated (OWI) as a 9th offense. 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 (1967). Lamm received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude there

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

are no issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Lamm was convicted following a no contest plea to OWI as a 9th offense. He was accused of driving a vehicle into a power pole while intoxicated.² An additional charge of operating while revoked was dismissed and read-in. The circuit court imposed a sentence of six years of initial confinement and five years of extended supervision, as well as a fine of \$2400. This no-merit appeal follows.

The no-merit report addresses whether a basis exists to challenge either the validity of the plea or the legality of the sentence imposed. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Lamm further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney David J. Susens is relieved of further representation of Floyd M. Lamm in this appeal. *See* WIS. STAT. RULE 809.32(3).

² According to the amended complaint, a forensic analysis of Lamm's blood revealed a blood alcohol content of .324.

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

Sheila T. Reiff
Clerk of Court of Appeals