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DISTRICT II

August 3, 2022

To:

Hon. Jennifer Dorow
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

David J. Susens
Electronic Notice

Christopher L. Vogel, #585320
Prairie Du Chien Correctional Inst.
P.O. Box 9900
Prairie du Chien, WI 53821

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

2022AP264-CRNM State of Wisconsin v. Christopher L. Vogel (L.C. #2019CF1450)

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).

Christopher L. Vogel appeals from a judgment convicting him of burglary of a building or dwelling as a repeater. 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). Vogel 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 are no

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

issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

In December 2019, Vogel pled guilty to burglary of a building or dwelling as a repeater. He was accused of breaking into a newly constructed house and taking items that he later sold for scrap. The circuit court accepted the parties' diversion contract and withheld entry of judgment. It ordered Vogel to follow the terms of the contract, which included successful completion of drug treatment court.

In March 2020, the State moved to discharge Vogel from drug-treatment court on grounds that he was selling drugs. After a hearing on the matter, the circuit court granted the motion. It then sentenced Vogel to two years of initial confinement and two years of extended supervision on the burglary charge. 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.² Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Vogel further in this appeal.

² The judge who presided at sentencing disclosed that she had represented Vogel "many, many years ago" on some traffic cases. This past representation did not require the judge's disqualification under WIS. STAT. § 757.19. In any event, Vogel discussed the issue with his attorney and consented to the waiver of any potential conflict.

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 Christopher L. Vogel 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