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**DISTRICT I**

November 15, 2022

To:

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Stanley Stubblefield  
P.O. Box 070101  
Milwaukee, WI 53207-0011

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

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2020AP1964-CRNM      State of Wisconsin v. Stanley Stubblefield (L.C. # 2017CM1867)

Before Brash, C.J., Donald, P.J., and Dugan, J.

**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).**

Stanley Stubblefield appeals a judgment convicting him of disorderly conduct with use of a dangerous weapon and obstructing an officer. Appellate counsel, Michael S. Holzman, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20) and *Anders v. California*, 386 U.S. 738 (1967).<sup>1</sup> Stubblefield 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

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

review of the record as mandated by *Anders*, we conclude that the judgment may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

The complaint alleged that at 10:20 p.m., Stubblefield drove up to the fence securing an FBI building and attempted to enter. A security officer made contact with Stubblefield and established that he was there to see a woman named C.S.<sup>2</sup> The security officer informed Stubblefield that there was no one named C.S. in the building and told him to leave the premises. Stubblefield refused to leave and began to pace along the guard shack. He then walked up to the gate, lifted his shirt and displayed a firearm. The security officers called 911.

Police officers arrived on the scene and surrounded Stubblefield. They instructed him numerous times to lift his hands and lay on the ground. Stubblefield did not comply with their commands. According to the complaint, Stubblefield became argumentative and a standoff ensued that lasted approximately ten minutes, until Stubblefield finally threw the firearm on the ground. Police officers eventually took Stubblefield into custody, and he was charged with disorderly conduct with use of a dangerous weapon and obstructing an officer.

A jury found Stubblefield guilty of both charges. The circuit court sentenced him to sixty days in jail on the disorderly conduct charge and one year of probation with a nine-month imposed and stayed sentence on the charge of obstructing an officer.

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<sup>2</sup> The complaint refers to the victim as C.M., which the circuit court described as a scrivener's error. The victim is identified in other areas of the record as C.S.

The no-merit report addresses the following issues: the sufficiency of the evidence; the admission of hearsay testimony; a potentially sleeping juror; and whether trial counsel was ineffective for failing to impeach the State’s witnesses with purportedly inconsistent testimony. This court is satisfied that the no-merit report properly analyzes the issues it raises as being without merit and that no procedural trial errors occurred.

Additionally, we have considered whether Stubblefield could pursue an arguably meritorious challenge to his sentences. Sentencing lies within the circuit court’s discretion, and our review is limited to determining if the circuit court erroneously exercised its discretion. *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. “When the exercise of discretion has been demonstrated, we follow a consistent and strong policy against interference with the discretion of the [circuit] court in passing sentence[.]” *State v. Stenzel*, 2004 WI App 181, ¶7, 276 Wis. 2d 224, 688 N.W.2d 20.

The circuit court must “specify the objectives of the sentence on the record. These objectives include, but are not limited to, the protection of the community, punishment of the defendant, rehabilitation of the defendant, and deterrence to others.” *Gallion*, 270 Wis. 2d 535, ¶40. In seeking to fulfill the sentencing objectives, the circuit court must consider the primary sentencing factors of “the gravity of the offense, the character of the defendant, and the need to protect the public.” *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The circuit court may also consider a wide range of other factors concerning the defendant, the offense, and the community. *See id.* The circuit court has discretion to determine both the factors that it believes are relevant in imposing sentence and the weight to assign to each relevant factor. *Stenzel*, 276 Wis. 2d 224, ¶16.

The record here reflects an appropriate exercise of sentencing discretion. The circuit court emphasized that Stubblefield’s actions put the community at risk, and that while Stubblefield said he was sorry, he did not seem to fully appreciate the ramifications of his actions. In terms of the gravity of the offense, the circuit court described it as “very, very, very, very dangerous behavior.” The circuit court explained that Stubblefield needed to be punished to send a message “to you and everybody else [that] you simply cannot ignore the commands of security officers and police officers.”

The circuit court identified the factors that it considered in choosing sentences in this matter. The factors were proper and relevant. Additionally, the sentences that the circuit court imposed were far below the statutory maximum Stubblefield faced on the two charges, which totaled eighteen months of imprisonment and an \$11,000 fine. *See* WIS. STAT. §§ 947.01, 939.63(1)(a), 946.41(1), & 939.51(3)(a)-(b). Accordingly, we cannot conclude that the sentences were unduly harsh or unconscionable. *See State v. Grindemann*, 2002 WI App 106, ¶31, 255 Wis. 2d 632, 648 N.W.2d 507. A challenge on this basis would be frivolous within the meaning of *Anders*.

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 Stubblefield further in this appeal.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Michael S. Holzman is relieved of further representation of Stanley Stubblefield in this matter. *See* WIS. STAT. RULE 809.32(3).

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*