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DISTRICT II

February 22, 2023

To:

Hon. Paul Bugenhagen, Jr.
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Susan Lee Opper
Electronic Notice

Scott A. Szabrowicz
Electronic Notice

Justin M. Loyde
5040 65th St.
Milwaukee, WI 53218

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

2021AP937-CRNM State of Wisconsin v. Justin M. Loyde (L.C. #2018CF779)

Before Neubauer, Grogan and Lazar, 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).

Justin M. Loyde appeals from a judgment convicting him of possession with intent to deliver cocaine (5-15 grams) with the use-of-a-dangerous-weapon enhancer and manufacture/delivery of cocaine (1-5 grams). His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Loyde received a copy of the report, was advised of his right to file a response, and has elected

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

not to do so. Upon consideration of the report and an independent review of the Record, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Loyde sold a confidential informant and an undercover detective cocaine on various occasions. He was arrested after the undercover detective arranged to purchase cocaine from Loyde for a final time. When officers arrested him, they found a loaded firearm, two bags of THC, methamphetamine pills, cocaine, cash, and multiple cell phones.

Pursuant to a plea agreement, Loyde pled to a single count of possession with intent to deliver cocaine (5-15 grams) with the use-of-a-dangerous-weapon enhancer and a single count of manufacture/delivery of cocaine (1-5 grams). In exchange for the pleas, the State moved to dismiss the second-or-subsequent-offense enhancer from both counts. The State also agreed to dismiss and read in the manufacture/delivery of cocaine (1-5 grams), maintaining a drug-trafficking place, possession with intent to deliver THC, and possession with intent to deliver methamphetamine. The two possession counts carried the use-of-a-dangerous-weapon enhancer, and all counts were enhanced as second or subsequent offenses. The State agreed to recommend an unspecified prison term on the possession-with-intent-to-deliver-cocaine count and a consecutive imposed but stayed prison sentence on the manufacture/delivery-of-cocaine count, for five years' probation with various conditions. The court sentenced Loyde to two years' initial confinement and two years' extended supervision on the possession-with-intent-to-deliver count. The court imposed but stayed three years' initial confinement and three years' extended supervision, for five years' probation on the manufacture/delivery count. This no-merit appeal follows.

The no-merit report addresses the potential issues of whether Loyde's plea was knowingly, intelligently, and voluntarily entered and whether Loyde would be able to challenge the circuit court's sentence. This court is satisfied that the no-merit report properly analyzes the issues it raises as without arguable merit, and this court will not discuss them further.

Our independent 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 Loyde 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 Scott A. Szabrowicz is relieved of further representation of Justin M. Loyde 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