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**DISTRICT I**

March 14, 2023

To:

Hon. T. Christopher Dee  
Circuit Court Judge  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Katie Babe  
Electronic Notice

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John D. Flynn  
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Elmo J. Moore 509399  
Racine Correctional Institution  
P.O. Box 900  
Sturtevant, WI 53177-0900

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

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2021AP1821-CRNM	State of Wisconsin v. Elmo J. Moore (L.C. # 2014CF174)
2021AP1822-CRNM	State of Wisconsin v. Elmo J. Moore (L.C. # 2017CF1579)
2021AP1823-CRNM	State of Wisconsin v. Elmo J. Moore (L.C. # 2018CF449)
2021AP1824-CRNM	State of Wisconsin v. Elmo J. Moore (L.C. # 2020CF1156)

Before Brash, C.J., Donald, P.J., and White, 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).**

In these consolidated matters, Elmo J. Moore appeals from judgments convicting him of four counts of failure to provide child support for more than 120 consecutive days and one count of felony bail jumping. His appellate counsel, Katie Babe, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967).

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

Moore received a copy of the report, was advised of his right to file a response, and did not do so. We have independently reviewed the records and the no-merit report as mandated by *Anders*. We conclude that there is no issue of arguable merit that could be pursued on appeal. We, therefore, summarily affirm.

In Milwaukee County Circuit Court Case No. 2014CF174, Moore was charged with two counts of failure to provide child support for more than 120 consecutive days. He pled guilty to one of the counts and the other was dismissed and read in at sentencing. Pursuant to the plea negotiations, the State agreed to recommend that Moore serve one year of initial confinement and two years of extended supervision.

In Milwaukee County Circuit Court Case No. 2017CF1579, Moore was charged with four additional counts of failure to provide child support for more than 120 consecutive days. He pled guilty to two of the counts and the other two were dismissed and read in at sentencing. The State agreed to recommend that Moore serve consecutive sentences of one year of initial confinement and two years of extended supervision on each of the charges, to run consecutive to the sentence imposed in Case No. 2014CF174. The State's recommended sentences on Case Nos. 2014CF174 and 2017CF1579 totaled three years of initial confinement and six years of extended supervision.

At a combined plea hearing in Case Nos. 2014CF174 and 2017CF1579, the circuit court accepted Moore's pleas.<sup>2</sup> On the date of his joint sentencing hearing, Moore arrived at court but ultimately left before his hearing began.

The circuit court issued a warrant for his arrest, and Moore was charged with two counts of felony bail jumping as a repeater in Milwaukee County Circuit Court Case No. 2018CF449 based on his failure to appear at the sentencing hearing. He appeared in court at a return-on-warrant hearing more than two years later. He was subsequently charged in Milwaukee County Circuit Court Case No. 2020CF1156 with one additional count of failure to provide child support for more than 120 consecutive days.

In Case No. 2018CF449, Moore pled guilty to one count of felony bail jumping without the repeater enhancer. The repeater enhancer and the remaining bail jumping count were dismissed and read in. Additionally, he pled guilty to the charge in Case No. 2020CF1156. The circuit court accepted Moore's pleas.<sup>3</sup>

Pursuant to the plea negotiations, as to all four pending cases, the State made a global sentencing recommendation that Moore serve five to seven years of initial confinement time and left the period of extended supervision to the circuit court's discretion. The circuit court

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<sup>2</sup> The Honorable Pedro A. Colon presided over the combined plea hearing in Case Nos. 2014CF174 and 2017CF1579.

<sup>3</sup> The Honorable T. Christopher Dee presided over the combined plea hearing in Case No. 2018CF449 and 2020CF1156 and sentenced Moore on all four cases.

sentenced Moore to a total of six years and ten months of initial confinement and five years of extended supervision.

The no-merit report addresses the potential issues of whether Moore's pleas were valid and whether the circuit court properly exercised its discretion during sentencing. The plea colloquy, when augmented by the plea questionnaire and waiver of rights forms, the addendums, and the applicable jury instructions, demonstrate Moore's understanding of the information he was entitled to and that his pleas were knowingly, voluntarily, and intelligently entered. *See State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986); *see also State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987). Additionally, the records reveal that the circuit court considered and applied the relevant sentencing factors. This court is satisfied that the no-merit report properly concludes the issues it raises are without merit.

Our review of the records 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 Moore further in these appeals.

Upon the foregoing, therefore,

IT IS ORDERED that the judgments are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Katie Babe is relieved of further representation of Elmo J. Moore in these matters. *See* WIS. STAT. RULE 809.32(3).

Nos. 2021AP1821-CRNM  
2021AP1822-CRNM  
2021AP1823-CRNM  
2021AP1824-CRNM

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*