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DISTRICT III

June 13, 2023

To:

Hon. Thomas J. Walsh
Circuit Court Judge
Electronic Notice

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Jeffrey W. Jensen
Electronic Notice

Dorian Curtis Brown 279684
3099 E. Washington Avenue
P.O. Box 7969
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You are hereby notified that the Court has entered the following opinion and order:

2021AP1479-CRNM State of Wisconsin v. Dorian Curtis Brown
(L. C. No. 2019CF1436)

Before Stark, P.J., Hruz and Gill, 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).

Dorian Brown appeals from a judgment convicting him of four felony drug offenses, two counts of felony bail jumping and one count of misdemeanor bail jumping. Attorney Jeffrey Jensen has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2021-22).¹ Brown was informed of the right to respond to the no-merit report, but he has not filed a response. Having independently reviewed the entire record as mandated by

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

Anders v. California, 386 U.S. 738, 744 (1967), we conclude that there are no arguably meritorious issues for appeal.

Following two controlled drug buys, the State charged Brown with the following counts, each as a repeat offender: possession with intent to deliver cocaine on or near a park, as a second or subsequent offense; possession with intent to deliver cocaine on or near a school, as a second or subsequent offense; possession of cocaine as a second or subsequent offense; maintaining a drug trafficking place, as a second or subsequent offense; six counts of felony bail jumping; and six counts of misdemeanor bail jumping. Brown pled guilty to the four drug counts, two of the felony bail jumping counts, and one of the misdemeanor bail jumping counts, with all of the penalty enhancers. In exchange, the State dismissed and read-in the remaining bail jumping counts and agreed to cap its global sentence recommendation to five years' initial confinement followed by five years' extended supervision. The circuit court accepted Brown's pleas after conducting a plea colloquy and reviewing a signed plea questionnaire and waiver of rights form, with attachments setting forth the elements of the charges. Brown has not provided this court with any information outside of the record to suggest that his plea was unknowing or involuntary.

The circuit court ordered a presentence investigation and subsequently held a sentencing hearing. After hearing from the parties, the court discussed the gravity of the offenses and Brown's character, which included an extensive criminal history. The court related those factors to its sentencing goals of protecting the public and addressing Brown's rehabilitative needs. The court then sentenced Brown to concurrent terms of four years' initial confinement followed by four years' extended supervision on the count of delivering cocaine on or near a park; three years' initial confinement followed by four years' extended supervision on each of the felony

bail jumping counts; nine months of incarceration on the misdemeanor bail jumping count; and one year of initial confinement followed by two years' extended supervision on each of the remaining three counts. In response to a request for review from the Department of Corrections, the court amended the terms of extended supervision on each of the felony bail jumping counts to three years.

The no-merit report addresses the validity of the pleas and the sentences, as amended. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that there are no issues of arguable merit relating to either the pleas or the sentences. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

Our independent review of the record discloses no other potential issues for appeal.² We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*. Accordingly, counsel shall be allowed to withdraw, and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

IT IS ORDERED that the judgment of conviction is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

² We note that Brown's pleas forfeited the right to raise other nonjurisdictional defects and defenses, including claimed violations of constitutional rights other than a double jeopardy issue that could be resolved based upon the record. *See State v. Kelty*, 2006 WI 101, ¶¶18 & n.11, 34, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53. This forfeiture would include any challenge to Brown's bindover.

IT IS FURTHER ORDERED that Attorney Jeffrey Jensen is relieved of any further representation of Dorian Brown in this matter pursuant to 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