



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT I/III**

February 12, 2013

To:

Hon. Charles F. Kahn, Jr.  
Circuit Court Judge  
Milwaukee County Courthouse  
901 N. 9th St.  
Milwaukee, WI 53233

John Barrett  
Clerk of Circuit Court  
Room 114  
821 W. State Street  
Milwaukee, WI 53233

Karen A. Loebel  
Asst. District Attorney  
821 W. State St.  
Milwaukee, WI 53233

Mark A. Schoenfeldt  
Attorney at Law  
135 W. Wells St., Ste. 604  
Milwaukee, WI 53203

Gregory M. Weber  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Christopher Leon Thomas 516196  
Jackson Corr. Inst.  
P.O. Box 233  
Black River Falls, WI 54615-0233

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

---

2012AP2290-CRNM      State v. Christopher Leon Thomas (L. C. #2011CF3015)

Before Hoover, P.J., Mangerson, J., and Thomas Cane, Reserve Judge.

Counsel for Christopher Thomas has filed a no-merit report concluding there is no basis to challenge Thomas's conviction for possession of a firearm by a felon, as a repeater. Thomas was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised and summarily affirm.

Thomas was convicted after a jury trial. The court imposed a sentence of five years' initial confinement, and three years and six months' extended supervision.

Any challenge to the sufficiency of the evidence would lack arguable merit. A witness testified she was awoken by gunshots. She went to the picture window and observed Thomas with a gun in his belt. Police officers who responded to the scene testified they recovered a spent 9mm shell casing outside the home and discovered Thomas nearby. Officers also recovered an abandoned 9mm handgun in the gutter, with six rounds in the magazine and one in the chamber. Testimony revealed the handgun holds nine rounds in the chamber. Tests of the gun and shell casing determined the cartridge came from the recovered gun. It is the jury's function to assess the credibility of witnesses and weigh the evidence. See *State v. Poellinger*, 153 Wis. 2d 493, 506, 451 N.W.2d 752 (1990). We accept inferences drawn by the trier of fact unless the evidence is incredible as a matter of law. *Id.* at 507. That is not the case here.

The record also discloses no basis for challenging the court's sentencing discretion. The court considered the proper factors, including Thomas's character, the seriousness of the offense and the need to protect the public. See *State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The sentence imposed was far less than the maximum fourteen years' allowable and therefore presumptively neither harsh nor excessive. See *State v. Grindemann*, 2002 WI App 1, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507.

Our independent review of the record discloses no other issues of arguable merit. Therefore,

IT IS ORDERED that the judgment is summarily affirmed. See WIS. STAT. RULE 809.21 (2011-12).

IT IS FURTHER ORDERED that attorney Mark Schoenfeldt is relieved of further representing Thomas in this matter.

---

*Diane M. Fremgen*  
*Clerk of Court of Appeals*