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DISTRICT I

November 23, 2021

To:

Hon. Michael J. Hanrahan
Circuit Court Judge
Electronic Notice

John Barrett
Clerk of Circuit Court
Milwaukee County
Electronic Notice

Winn S. Collins
Electronic Notice

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Michael S. Holzman
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Lacure A. Veasley 688817
Kettle Moraine Correctional Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

2021AP121-CRNM State of Wisconsin v. Lacure A. Veasley (L.C. # 2019CF1522)

Before Brash, C.J., Dugan and White, 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).

Lacure A. Veasley appeals a judgment convicting him of one count of possession of more than forty grams of cocaine with intent to deliver. Attorney Michael S. Holzman filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20),¹ and *Anders v. California*, 386 U.S. 738 (1967). Veasley responded to the report. After considering the report and the response, and after conducting an independent review of the record as mandated by *Anders*, we conclude that there

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

are no issues of arguable merit that could be raised on appeal. *See* WIS. STAT. RULE 809.21. Therefore, we affirm.

The no-merit report first addresses whether there would be arguable merit to an appellate challenge to Veasley's guilty plea. The circuit court conducted a colloquy that conformed to the strictures of WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). In addition, Veasley reviewed and signed a plea questionnaire and waiver of rights form. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (stating that the court may rely on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about the rights he or she is waiving). Based on the plea colloquy and Veasley's review of the plea questionnaire and waiver of rights form, we conclude that there would be no arguable merit to an appellate challenge to Veasley's plea.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its sentencing discretion. The circuit court sentenced Veasley to three years and six months of initial confinement and four years of extended supervision. The circuit court also made Veasley eligible for the Challenge Incarceration Program, but not the Substance Abuse Program. The record establishes that the circuit court carefully considered the general objectives of sentencing and the appropriate sentencing factors, applied the factors to the facts of this case, and reached a reasonable sentencing decision. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (stating that the court must identify the factors it considered and explain how those factors fit the objectives and influenced its sentencing decision). Therefore, there would be no arguable merit to a challenge to the court's sentencing discretion.

The no-merit report and Veasley's response address whether there would be arguable merit to a claim that the circuit court should have granted Veasley's *pro se* postsentencing request that the circuit court make him eligible for the Substance Abuse Program. Veasley explained that the Department concluded that he was not an appropriate candidate for the Challenge Incarceration Program due to his medical problems. The circuit court denied the request, explaining to Veasley that the programs were not interchangeable, and the Substance Abuse Program is only for inmates who have a drug problem, which Veasley repeatedly claimed he did not have. This was an appropriate exercise of the circuit court's discretion. There would be no arguable merit to this claim.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the judgment, and discharge appellate counsel of the obligation to represent Veasley 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 Holzman is relieved from further representing Veasley 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