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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 II**

June 24, 2026

To:

Hon. Jason A. Rossell  
Circuit Court Judge  
Electronic Notice

John Blimling  
Electronic Notice

Rebecca Matoska-Mentink  
Clerk of Circuit Court  
Kenosha County Courthouse  
Electronic Notice

Brett Lee McKellar  
Electronic Notice

Victor H. Stanley #655470  
Racine Correctional Institution  
2019 Wisconsin St.  
Sturtevant, WI 53177-1829

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

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2025AP2768-CRNM      State of Wisconsin v. Victor H. Stanley (L.C. #2023CF780)

Before Neubauer, P.J., Gundrum, and Grogan, 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).**

Victor H. Stanley appeals from judgments of conviction for possession of a firearm by a felon and obstructing an officer, both counts as a repeater. Stanley's appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Stanley was advised of his right to file a response to the no-merit report, but he has not responded. Upon consideration of the no-merit report, and following an independent review of the Record as mandated by *Anders* and RULE 809.32, we

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged Stanley with six counts, each as a repeater: possession of a firearm by a felon; disorderly conduct (domestic abuse), as a domestic abuse repeater; possession of a firearm while intoxicated; carrying a concealed weapon; obstructing an officer; and possession of tetrahydrocannabinols (THC). The complaint alleged that after responding to a report of a man and woman fighting, an officer observed a woman running down the street and screaming “help” and “help me” while being chased by a man who was later identified as Stanley. After noticing the officer, Stanley began to run away from him. The officer identified himself as a police officer and yelled for Stanley to stop, but Stanley replied “no” and continued running. The officer chased Stanley, without losing sight of him, and saw him throw an item that appeared to be consistent with a small firearm over a brick wall. The officer then caught up to Stanley and took him into custody. The officer noticed a strong odor of intoxicants coming from Stanley, and a subsequent search of Stanley’s person revealed a substance that tested positive for THC. Officers canvased the area on the other side of the brick wall where Stanley was seen throwing the object, and they found a pistol with seven live rounds of ammunition.

Pursuant to a plea agreement, Stanley entered guilty pleas to the charges of possession of a firearm by a felon and obstructing an officer, both as a repeater. In exchange for Stanley’s pleas, the remaining counts were dismissed and read in, and the State agreed to recommend five years’ initial confinement and five years’ extended supervision, consecutive to any other sentence. The circuit court accepted Stanley’s pleas following a plea colloquy, which was supplemented by a signed plea questionnaire and waiver of rights form.

The circuit court subsequently sentenced Stanley to 42 months of initial confinement and 5 years of extended supervision on the firearm possession count, consecutive to any other sentence. On the obstructing count, the court sentenced Stanley to nine months in jail, concurrent with his sentence on the firearm possession count. Although Stanley was statutorily eligible for the Substance Abuse Program, formerly known as the Earned Release Program, the court decided not to make him eligible for that program. The court explained that Stanley had already completed the Substance Abuse Program on a prior occasion, and “[i]t did not have the effect that was desired.” The court also stated, “I don’t find that this crime was committed primarily due to his drug or alcohol problem, which is what the [Substance Abuse Program] deals with.”

After sentencing, but prior to the appointment of postconviction counsel, Stanley filed a pro se motion to modify his judgment of conviction to make him eligible for the Substance Abuse Program. In the motion, Stanley noted that in addition to the 42 months of initial confinement imposed in this case, he was also serving “23 month[s] on revocation” in another case and “9 months confinement” in a third case, “which is a total of 74 months.” Stanley stated, “I have to serve 2 years and 8 months and will have to wait on a long list for [the Substance Abuse Program].” Stanley also asserted that proceedings had been initiated to terminate his parental rights to his son, but he believed the termination would be postponed if he could inform the court in those proceedings that he was eligible for the Substance Abuse Program and might therefore be released from prison earlier than otherwise anticipated.

The circuit court denied Stanley’s motion to modify his judgment of conviction, noting that the court had “addressed the issue of eligibility” for the Substance Abuse Program at the time of sentencing, “and for the reasons set forth on that date, the court denied the request for

eligibility.” The court also stated that it “was aware” of Stanley’s “sentence structure” at the time of sentencing, and Stanley’s “motion does not have a new factor on which the court could modify that portion of the sentence.” This no-merit appeal follows.

The no-merit report addresses whether there would be any nonfrivolous basis to challenge the validity of Stanley’s pleas or the circuit court’s exercise of its sentencing discretion. Based upon the representations in the no-merit report, and following our independent review of the Record, we are satisfied that the no-merit report sufficiently analyzes these issues and properly concludes that any challenge based upon them would lack arguable merit. We therefore do not address them further.

In addition to the issues addressed by counsel, we see no basis to challenge the denial of Stanley’s pro se motion to modify his judgment of conviction. At sentencing, the circuit court adequately explained the reasons for its decision to make Stanley ineligible for the Substance Abuse Program, and there would be no arguable merit to a claim that the court erroneously exercised its discretion in that regard. *See State v. Owens*, 2006 WI App 75, ¶9, 291 Wis. 2d 229, 713 N.W.2d 187 (explaining that eligibility for the Substance Abuse Program is “part of the court’s exercise of sentencing discretion”).

In its decision denying Stanley’s pro se motion to modify his judgment of conviction, the circuit court reiterated that it had already explained at sentencing why it decided not to make Stanley eligible for the Substance Abuse Program. In addition, the court concluded that the information about Stanley’s sentence structure was not a new factor for purposes of sentence modification because the court was aware of that information at the time of sentencing. *See State v. Harbor*, 2011 WI 28, ¶57, 333 Wis. 2d 53, 797 N.W.2d 828. While the court did not

specifically address whether the information regarding the termination of parental rights proceedings constituted a new factor, it is clear the court implicitly determined that information did not justify the requested modification of Stanley's sentences. *See id.*, ¶38. We see no arguable basis to claim that the court's determination in that regard constituted an erroneous exercise of discretion. *See id.* (stating that a circuit court exercises its discretion when determining whether an alleged new factor justifies the modification of a defendant's sentence).

Our independent review of the Record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Brett Lee McKellar is relieved of further representation of Victor H. Stanley in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*