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DISTRICT IV

July 2, 2026

To:

Hon. Derrick A. Grubb
Circuit Court Judge
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Verity Altenberger
Electronic Notice

Michael George Soukup
Electronic Notice

Cedric Danny Harris
4830 Hayes Rd., Room 207
Madison, WI 53704

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

2025AP1998-CRNM State of Wisconsin v. Cedric Danny Harris (L.C. # 2022CT237)

Before Nashold, J.¹

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).

Cedric Danny Harris appeals a judgment of conviction for operating under the influence of an intoxicant (OWI) as a third offense. Appellate counsel, Lena Archer, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. Since the filing, Attorney Michael G. Soukup was substituted as counsel of record. Harris was advised of his right to file a response, but he has not responded. Upon this court's independent

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

review of the record and counsel's report, we conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm the judgment.

Harris was pulled over for driving a vehicle with an expired registration on May 31, 2022. The officer who conducted the traffic stop noticed an open beer can in the vehicle and observed Harris's slurred speech and bloodshot, glassy eyes. Harris submitted to standardized field sobriety tests and exhibited clues of impairment. Harris was arrested for OWI as a third offense and, after his blood sample showed the presence of the primary metabolite of cocaine, he was also charged with one count of operating with a restricted controlled substance in his blood as a third offense.

Harris agreed to enter a guilty plea to the OWI charge; the controlled substance charge, along with charges in a separate traffic case and two other misdemeanor cases would be dismissed and read in. The parties agreed to jointly recommend the mandatory minimum sentence of 45 days of incarceration, along with 24 months of license revocation and ignition interlock device revocation. The circuit court ultimately followed the joint recommendation.

The first potential issue discussed in the no-merit report is whether there is any arguably meritorious basis for challenging Harris's guilty plea as not knowing, intelligent, and voluntary or lacking a factual basis. This court's review of the record—including the plea questionnaire and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking guilty pleas pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. While Harris stated at one point during the colloquy that he “wasn't drunk” at the time of the offense, he agreed that he was impaired. The court concluded that Harris was “entering a

plea voluntarily here.” This court agrees with counsel’s analysis and conclusion that any challenge to the validity of Harris’s plea would lack arguable merit.

The no-merit report also addresses whether there is any arguably meritorious basis for challenging the circuit court’s sentencing discretion. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. This court’s review of the record confirms that the circuit court appropriately considered relevant sentencing objectives and factors. *See id.*, ¶41; *see also State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The 45-day sentence imposed is the mandatory minimum, and is below the one-year maximum authorized by law. *See State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449 (“A sentence well within the limits of the maximum sentence is unlikely to be unduly harsh or unconscionable.”). There is no arguable merit to challenging to the court’s sentencing discretion.

This court’s independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Michael G. Soukup is relieved of further representation of Harris in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals