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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

DISTRICT III

November 12, 2024

To:

Hon. James A. Morrison
Circuit Court Judge
Electronic Notice

Caroline Brazeau
Clerk of Circuit Court
Marinette County Courthouse
Electronic Notice

Ellen J. Krahn
Electronic Notice

DeShea D. Morrow
Marinette County District Attorney's Office
1926 Hall Ave.
Marinette, WI 54143

Jill Marie Kreitzer
244019 County Rd. WW
Wausau, WI 54403

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

2023AP1189-CRNM State of Wisconsin v. Jill Marie Kreitzer (L. C. No. 2021CM41)

Before Gill, 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).

Counsel for Jill Kreitzer filed a no-merit report concluding that no grounds exist to challenge Kreitzer's convictions for operating a motor vehicle while intoxicated (OWI), as a third offense; two counts of misdemeanor bail jumping; and resisting an officer by failing to stop

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

her vehicle, contrary to WIS. STAT. §§ 346.63(1)(a), 946.49(1)(a), and 346.04(2t), respectively.² Kreitzer was informed of her right to file a response to the no-merit report, and she has not responded. Upon an independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), this court concludes that there is no arguable merit to any issue that could be raised on appeal. Therefore, the judgment of conviction is summarily affirmed. See WIS. STAT. RULE 809.21.

According to the criminal complaint, Marinette Police Officer Andrew Bonjean observed a gold-colored Chevy Trailblazer parked at a Kwik Trip. Based on recent contact with the vehicle owner, Officer Bonjean knew the owner had a revoked driver's license. Officer Bonjean also knew that Kreitzer, who lived with the vehicle owner, had a suspended driver's license.

The vehicle left Kwik Trip, and the officer attempted to initiate a stop by engaging his emergency lights. When the vehicle continued, the officer activated his squad car's siren. The vehicle nevertheless continued to the vehicle owner's home and pulled into the driveway.³ The driver, identified as Kreitzer, exited the vehicle and stated "no" before making her way to the house. Officers directed Kreitzer to stay with the vehicle, and she stated she was "in a lot of trouble with the law" and "this isn't going to be good."

² The State charged Kreitzer with OWI and operating with a prohibited alcohol concentration (PAC), both counts as a third offense; two counts of misdemeanor bail jumping; and one count of resisting an officer by failing to stop her vehicle.

³ At trial, Officer Bonjean testified that the vehicle traveled approximately 3.5 blocks before pulling over, despite "multiple places" the driver could have stopped.

While speaking with Kreitzer, the officer detected a strong odor of intoxicants on her person and her breath. Kreitzer agreed to perform field sobriety tests and failed the first two tests before refusing to complete the third test. Kreitzer was arrested, and she then consented to a blood draw, resulting in a blood alcohol concentration of .209. The complaint further alleged that at the time of these events, Kreitzer was on bond and failed to comply with the conditions of her bond—specifically, Kreitzer was required to maintain absolute sobriety and commit no further crimes.

Kreitzer was convicted upon a jury's verdicts of the crimes charged.⁴ Kreitzer faced maximum sentences of one year in jail for the third-offense OWI and nine months for each of the other misdemeanor offenses. The circuit court ultimately imposed consecutive sentences consisting of 140 days in jail for the OWI conviction, six months for each of the misdemeanor bail jumping convictions, and thirty days for the resisting conviction, "with good time and [H]uber release" after Kreitzer served the first 140 days.

The no-merit report addresses whether there was sufficient credible evidence to support the jury's verdicts and whether the circuit court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel's analysis and conclusion that there is no arguable merit to these possible issues. 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.

⁴ The PAC count was dismissed prior to sentencing pursuant to WIS. STAT. § 346.63(1)(c), which provides that if a person is found guilty of both OWI and PAC "for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing."

An independent review of the record discloses no other potential issue for appeal. Therefore,

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

IT IS FURTHER ORDERED that Attorney Ellen J. Krahn⁵ is relieved of further representing Jill Kreitzer 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

⁵ Although Attorney Susan E. Alesia submitted the no-merit report, Attorney Krahn was later substituted as counsel in this matter.