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**DISTRICT II**

June 18, 2025

To:

Hon. Angelina Gabriele  
Circuit Court Judge  
Electronic Notice

John Blimling  
Electronic Notice

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

Antonio D. Alexander, #610222  
Prairie Du Chien Correctional Inst.  
P.O. Box 269  
Prairie du Chien, WI 53821

Christina C. Starner  
Electronic Notice

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

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2024AP2491-CRNM      State of Wisconsin v. Antonio D. Alexander (L.C. #2023CF265)

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

Antonio D. Alexander appeals a judgment of conviction, entered on his guilty plea, for attempting to flee or elude an officer as a repeater. His appellate counsel 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). Alexander was advised of his right to file a response and has not responded. After reviewing the

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

Record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

According to the criminal complaint, an officer observed a vehicle run a red light. When the officer activated his squad's lights and sirens, the vehicle did not stop. The vehicle pulled into a driveway, and the driver fled from the vehicle on foot. Police found the driver, identified as Alexander, hiding in a backyard. When police found Alexander, he was in possession of the key fob from the vehicle police had pursued. Alexander was on extended supervision at the time of this incident. The State charged Alexander with attempting to flee or elude an officer and obstructing an officer, both as a repeater.

Pursuant to a plea agreement, Alexander pled to the fleeing count as charged. The remaining count was dismissed. The State agreed to recommend a prison sentence but remain silent on the length and conditions as well as whether the sentence should be concurrent or consecutive. The circuit court sentenced Alexander to two years' initial confinement and two years' extended supervision. The court made Alexander's sentence consecutive to any other sentence. The court also determined Alexander was not entitled to any sentence credit because Alexander had already received the credit on his revocation sentence.

The no-merit report addresses potential issues of whether Alexander's plea was knowingly, voluntarily, and intelligently entered, whether there was a factual basis for the plea, and whether the circuit court properly exercised its discretion at sentencing. Upon reviewing the Record, we agree with counsel's analysis and conclusion that there is no arguable basis to pursue any of these issues. We briefly comment on a few issues.

We first agree with counsel’s analysis and conclusion that any challenge to the validity of Alexander’s plea would lack arguable merit. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). Our review of the Record and of counsel’s analysis in the no-merit report satisfies us that the circuit court complied with its obligations for taking Alexander’s plea. *See* WIS. STAT. § 971.08; *Bangert*, 131 Wis. 2d at 261-62; *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.

With regard to the circuit court’s sentencing discretion, our review of the Record confirms that the circuit court appropriately considered the relevant sentencing objectives and factors. *See 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 resulting sentence was within the maximum authorized by law. *See State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. The sentence was not so excessive so as to shock the public’s sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Therefore, there would be no arguable merit to a challenge to the court’s sentencing discretion.

Finally, in reviewing the Record, we observe that after sentencing but before counsel was appointed, Alexander filed pro se letters in the circuit court requesting sentence credit. As part of counsel’s sentencing discussion in the no-merit report, counsel explains there is no arguable merit to pursue sentence credit in this case. Counsel explains Alexander was on extended supervision at the time of this offense; he was revoked and returned to prison. Counsel states the credit from Alexander’s date of arrest until he was received at the institution was credited to him on the revocation sentence. Because Alexander already received credit for time spent in pre-sentence custody on his revocation sentence, he was not entitled to that same credit on his

consecutive sentence in this case. *See State v. Boettcher*, 144 Wis. 2d 86, 87, 423 N.W.2d 533 (1988). We agree with counsel's analysis.

Our independent review of the Record discloses no other potential issues for appeal. This court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Alexander 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 Christina C. Starner is relieved of further representation of Antonio D. Alexander in this appeal. *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*