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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](http://www.wicourts.gov)

**DISTRICT IV**

January 6, 2014

To:

Hon. Daniel George  
Circuit Court Judge  
Columbia County Courthouse  
400 DeWitt St., P.O. Box 587  
Portage, WI 53901-2157

Susan K. Raimer  
Clerk of Circuit Court  
Columbia County Courthouse  
400 DeWitt St., P.O. Box 587  
Portage, WI 53901-2157

Troy Dean Cross  
Asst. District Attorney  
P.O. Box 638  
Portage, WI 53901-0638

William E. Schmaal  
Asst. State Public Defender  
P.O. Box 7862  
Madison, WI 53707-7862

Gregory M. Weber  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Dennis Neil Tomlinson 586811  
Waupun Corr. Inst.  
P.O. Box 351  
Waupun, WI 53963-0351

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

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2012AP2672-CRNM      State of Wisconsin v. Dennis Neil Tomlinson (L.C. #2010CF426)

Before Blanchard, P.J., Lundsten and Sherman, JJ.

Attorney William Schmaal, appointed counsel for Dennis Tomlinson, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Tomlinson with a copy of the report, and both counsel and this court advised him of his right to file a response. Tomlinson has not responded. After our independent

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Tomlinson pled no contest to one count of operating while intoxicated, fifth or sixth offense, with a minor in the vehicle. The court imposed a sentence of four years of initial confinement and three years of extended supervision.

The no-merit report addresses whether Tomlinson's pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 255-72, 389 N.W.2d 12 (1986), and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Tomlinson was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses whether the court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, such as the seriousness of the offense, the ineffectiveness of Tomlinson's earlier convictions at changing his behavior, and his prior record and need for rehabilitation and punishment. The court did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney William Schmaal is relieved of further representation of Dennis Tomlinson in this matter. *See* WIS. STAT. RULE 809.32(3).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*