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DISTRICT II

May 13, 2026

To:

Hon. Anthony C. Nehls
Circuit Court Judge
Electronic Notice

Michelle Weber
Clerk of Circuit Court
Fond du Lac County Courthouse
Electronic Notice

Erica L. Bauer
Electronic Notice

John Blimling
Electronic Notice

Tony A. Weaver, #251942
Racine Correctional Institution
2019 Wisconsin St.
Sturtevant, WI 53177-1829

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

2026AP41-CRNM State of Wisconsin v. Tony A. Weaver (L.C. #2019CF299)

Before Neubauer, P.J., Grogan, and Lazar, 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).

Tony A. Weaver appeals a judgment of conviction, entered following a jury trial, for possession with intent to deliver methamphetamine as a second or subsequent offense as a repeater, fleeing as a repeater, possession of THC as a second or subsequent offense as a repeater, possession of drug paraphernalia as a repeater, obstructing an officer as a repeater, six counts of felony bail jumping as a repeater, and operating a motor vehicle while revoked. His

appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32¹ and *Anders v. California*, 386 U.S. 738 (1967). Weaver was advised of his right to file a response, and he has not responded. After reviewing the 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.

At trial, multiple law enforcement officers testified that a multi-county task force had been surveilling Weaver for suspected drug activity. Police had obtained a GPS warrant for Weaver's vehicle, and they had installed a GPS tracking device on Weaver's vehicle.

On April 29, 2019, police observed Weaver driving his vehicle, and they followed him to the Wisconsin border. Then, using the GPS tracking device, police surveilled Weaver's vehicle as it traveled to a truck stop or gas station in Missouri, where it stopped for a short time before returning to Wisconsin on April 30, 2019. Upon the vehicle's return to Wisconsin, police began following Weaver's vehicle, observed Weaver driving, and tried to stop the vehicle. Weaver did not stop, and he ran a red light.

Police found Weaver's vehicle in an industrial business's parking lot, and police observed Weaver walking into the business. When police entered the business, they found Weaver locked inside the business's bathroom. While in the bathroom, Weaver called his friend and advised her that police were chasing him and he had tossed something before entering the building. Eventually, Weaver came out of the bathroom and police arrested him.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

Police located a single package behind the dumpster that was next to Weaver's vehicle. The package was multi-layered and contained materials designed to disguise drug odors—such as a layer of cloth-like material similar to dryer sheets and a layer of a grease-based product. Police found approximately one pound of methamphetamine inside the package. Police also found a baggie of THC on Weaver's driver's seat. At the time of his arrest, Weaver did not have a license, and he was out on bond in another criminal matter.

The State charged Weaver in a twelve-count information with possession with intent to deliver methamphetamine as a second or subsequent offense as a repeater, fleeing as a repeater, possession of THC as a second or subsequent offense as a repeater, possession of drug paraphernalia as a repeater, obstructing an officer as a repeater, six counts of felony bail jumping as a repeater, and operating a motor vehicle while revoked. The jury convicted Weaver on all counts. The circuit court sentenced Weaver to a cumulative sentence of eleven years' initial confinement and eleven years' extended supervision.² The court also ordered Weaver to pay the costs associated with an attorney who was appointed by the court after the State Public Defender could not timely appoint an attorney for Weaver.

Weaver filed a postconviction motion asking the circuit court to vacate the attorney fees ordered in this case. The court granted Weaver's postconviction motion. This no-merit appeal follows.

² Specifically, the circuit court sentenced Weaver to ten years' initial confinement and ten years' extended supervision on the possession-with-intent-to-deliver-methamphetamine count. The court sentenced Weaver to a consecutive sentence of one year of initial confinement and one year of extended supervision on the fleeing count. The remaining sentences were concurrent to these two counts and consisted of one year of initial confinement and one year of extended supervision on each of the bail jumping counts, thirty days' jail on the possession-of-drug-paraphernalia and operating-while-revoked counts, six months' jail on the possession-of-THC count, and nine months' jail on the obstructing count.

The no-merit report addresses Weaver’s charges, the circuit court’s jurisdiction, pretrial motions and proceedings, jury selection, sufficiency of the evidence, trial objections, Weaver’s decision not to testify, other issues that arose during trial, the jury instructions, the verdicts, sentencing, and potential claims for ineffective assistance of trial counsel. We agree with counsel’s analysis and conclusion that there is no arguable basis to pursue any of these issues. We comment briefly on sufficiency of the evidence and sentencing.

When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury “unless the evidence, viewed most favorably to the state and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review of the trial transcript persuades us that the State produced ample evidence to convict Weaver of his crimes. That evidence included testimony from law enforcement and Weaver’s friend. The State also presented video surveillance and other forensic evidence. We agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

In regard to the circuit court’s sentencing discretion, our review of the Record confirms that the 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, we agree there would be no arguable merit to a challenge to the court’s sentencing discretion.

Our independent review of the Record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction and discharges appellate counsel of the obligation to represent Weaver 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 Erica L. Bauer is relieved from further representing Tony A. Weaver in this appeal. *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