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DISTRICT III

June 9, 2026

To:

Hon. Jay N. Conley
Circuit Court Judge
Electronic Notice

Trisha LeFebre
Clerk of Circuit Court
Oconto County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Devon M. Lee
Electronic Notice

Martin Cooper 198470
Redgranite Correctional Institution
P.O. Box 925
Redgranite, WI 54970-0925

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

2025AP42-CRNM State of Wisconsin v. Martin Cooper (L. C. No. 2020CF234)

Before Stark, P.J., Hruz, and Gill, 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).

Martin Cooper appeals from a judgment convicting him, upon a no-contest plea, of operating a motor vehicle while under the influence of an intoxicant (OWI), as a tenth or subsequent offense. Attorney Devon Lee has filed a no-merit report seeking to withdraw as Cooper's appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24).¹ The no-merit report sets forth the procedural history of the case and addresses the validity of Cooper's plea and sentence. Cooper was informed of his right to respond to the no-merit report, but he has not filed a

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

response. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that there are no arguably meritorious issues for appeal. Therefore, counsel shall be allowed to withdraw, and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

The State charged Cooper with OWI and operating a motor vehicle after revocation of a license (OAR) based upon observations made by law enforcement officers during a traffic stop following a high-speed chase. The State subsequently filed an amended complaint additionally charging Cooper with operating a motor vehicle with a prohibited alcohol concentration (PAC), as a tenth or subsequent offense, and three counts of misdemeanor bail jumping.

Cooper agreed to plead no contest to the OWI count in exchange for the outright dismissal of the PAC count and the dismissal as read-in offenses of the OAR and bail jumping counts.² The circuit court accepted Cooper's plea entered pursuant to the plea agreement, after conducting a plea colloquy, reviewing Cooper's signed plea questionnaire with an attached elements form and a supplement, and ascertaining that there was a factual basis to support the plea.

The circuit court ordered a presentence investigation report and subsequently held a sentencing hearing, during which it heard from counsel, Cooper's sister, and Cooper personally. The court discussed factors connected to the severity of the offense and Cooper's character, and it explained how the factors related to the court's primary sentencing goal of protecting the community and secondary goals of punishment and rehabilitation. The court emphasized that it

² The plea agreement also dealt with several other cases that are not before us in this appeal.

was not punishing Cooper for being an alcoholic but for driving a car while under the influence of alcohol. It also noted that Cooper had more than 30 years since his first OWI offense to get treatment and turn his life around and that Cooper had done “awfully” on supervision.

The circuit court then sentenced Cooper to 10 years’ initial confinement followed by 5 years’ extended supervision, with 813 days of sentence credit. The court also imposed \$3,116 in costs and 36-month periods of both ignition interlock device installation and driver’s license revocation. The court determined that Cooper would be eligible for the Substance Abuse Program after eight years.

We agree with counsel’s analysis and conclusion that Cooper has no arguably meritorious basis to challenge his plea or sentence. The circuit court conducted an adequate plea colloquy, and Cooper does not assert that he misunderstood the charges or his rights. *See generally* WIS. STAT. § 971.08(1)(a); *State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986) (discussing the requirements for plea colloquies and plea withdrawal). In particular, he does not assert that he did not understand that the court could disregard the parties’ sentencing recommendations.

The components of the bifurcated sentence did not exceed the maximum available penalties. *See* WIS. STAT. §§ 346.65(2)(am)7. (classifying OWI-10+ as a Class E felony), 973.01(2)(b)5., (d)4. (providing maximum terms of ten years of initial confinement and five years of extended supervision for a Class E felony). The circuit court rationally explained its sentencing decision based upon standard factors. *See generally State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. Although the court imposed the maximum sentence, the sentence was not unduly harsh, given Cooper’s extensive criminal history and poor

performance during past periods of supervision. *See generally State v. Grindemann*, 2002 WI App 106, ¶31, 255 Wis. 2d 632, 648 N.W.2d 507.

In addition to the issues discussed by counsel, we see nothing in the record to suggest that trial counsel provided ineffective assistance. *See generally State v. Sholar*, 2018 WI 53, ¶32, 381 Wis. 2d 560, 912 N.W.2d 89 (discussing the standard for claims of ineffective assistance of counsel). Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*.

Upon the foregoing,

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

IT IS FURTHER ORDERED that Attorney Devon Lee is relieved of any further representation of Martin Cooper in this matter pursuant to 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