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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 IV

April 10, 2025

To:

Hon. Craig R. Day
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Lia Leahy
Clerk of Circuit Court
Iowa County Courthouse
Electronic Notice

Leo Draws
Electronic Notice

Seth T. Moore
6965 High Point Road
Arena, WI 53503

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

2024AP109-CRNM State of Wisconsin v. Seth T. Moore (L.C. # 2022CF106)

Before Kloppenburg, P.J., Graham, and Nashold, 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).

Attorney Leo Draws, as appointed counsel for Seth Moore, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Moore with a copy of the report, and both counsel and this court advised him of his right to file a response. Moore has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our independent

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

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

After a jury trial, Moore was convicted of one count of operating with a prohibited alcohol concentration, as a fourth offense. The court withheld sentence and placed Moore on probation for three years, with 120 days of jail as a condition.

The no-merit report addresses whether the evidence was sufficient. We affirm the verdict unless the evidence, viewed most favorably to the State and the conviction, is so insufficient in probative value and force that no reasonable trier of fact could have found guilt beyond a reasonable doubt. *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Credibility of witnesses is for the trier of fact. *Id.* at 504.

Without attempting to recite the evidence in detail here, the testimony and body camera video of the police officer who interviewed Moore, together with the laboratory report, presented evidence that was sufficient. This evidence was not inherently incredible and, if believed by the jury, was sufficient to satisfy the elements of the charge. There is no arguable merit to this issue.

The no-merit report addresses Moore's sentence. The probation term is within the legal maximum. As to discretionary issues, the standards for the circuit court and this court 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 circuit court considered appropriate factors, 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 Draws is relieved of further representation of Moore 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