



OFFICE OF THE CLERK  
**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 II**

May 21, 2025

To:

Hon. Mark T. Slate  
Circuit Court Judge  
Electronic Notice

Amy Thoma  
Clerk of Circuit Court  
Green Lake County Courthouse  
Electronic Notice

Erica L. Bauer  
Electronic Notice

John Blimling  
Electronic Notice

John R. Sammer, #596041  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

---

2024AP1559-CRNM      State of Wisconsin v. John R. Sammer (L.C. #2021CF48)

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

John R. Sammer appeals from a judgment of conviction entered upon his pleas of no contest to fleeing or eluding an officer and obstructing an officer. 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). Sammer received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent

---

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

review of the record, we conclude there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

Sammer was charged with attempting to flee or elude, operating a motor vehicle without a driver's license, felony bail jumping, and obstructing—all as a repeat offender. He entered no-contest pleas to the fleeing and obstructing charges. In exchange for his pleas, the State agreed to dismiss and read in the remaining two counts and to cap its sentencing recommendation at eighteen months of initial confinement. On the fleeing conviction, the circuit court sentenced Sammer to serve eighteen months of initial confinement and two years of extended supervision, consecutive to the sentence Sammer was already serving. The court sentenced Sammer to serve sixty days in the county jail on the obstructing conviction, consecutive to his sentence for fleeing. This no-merit appeal follows.

The no-merit report addresses each step of the proceedings leading up to the entry of Sammer's pleas, including whether there was probable cause in the criminal complaint to support the charges; whether the circuit court complied with the required procedures at the initial appearance, preliminary hearing, and arraignment; whether the court conducted a proper colloquy with Sammer regarding Sammer's decision to proceed pro se; whether the Information was timely filed and supported by probable cause; and whether Sammer preserved his right to

contest any other nonjurisdictional defects or defenses.<sup>2</sup> This court is satisfied that the no-merit report correctly analyzes these issues as without merit, and we will not discuss them further.

The no-merit report also addresses whether Sammer's pleas were entered knowingly, voluntarily, and intelligently and whether the circuit court properly exercised its discretion at sentencing.

First, we see no arguable basis for plea withdrawal. In order to withdraw a plea after sentencing, a defendant must either show that the plea colloquy was defective in a manner that resulted in the defendant actually entering an unknowing plea or demonstrate some other manifest injustice such as coercion, the lack of a factual basis to support the charge, ineffective assistance of counsel, or failure by the prosecutor to fulfill the plea agreement. *State v. Bangert*, 131 Wis. 2d 246, 272-76, 389 N.W.2d 12 (1986); *State v. Krieger*, 163 Wis. 2d 241, 249-51 & n.6, 471 N.W.2d 599 (Ct. App. 1991). There is no indication of any such defect here.

Pursuant to a plea agreement, Sammer entered no-contest pleas to two of the four charges against him. The circuit court conducted a standard plea colloquy, inquiring into Sammer's ability to understand the proceedings and the voluntariness of his plea decision and further exploring his understanding of the nature of the charges, the penalty ranges and other direct consequences of the pleas, and the constitutional rights being waived. See *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794; and *Bangert*, 131 Wis. 2d at 266-72.

---

<sup>2</sup> Sammer was represented by counsel throughout the proceedings leading up to the entry of his pleas, but requested to represent himself at the plea hearing and sentencing hearing. Our review of the record shows that the circuit court conducted a proper colloquy with Sammer regarding his decision to proceed pro se at the start of both the plea and sentencing hearings.

Sammer accepted the criminal complaint as a factual basis for the plea. He also indicated that he reviewed the complaint, and the facts set forth therein were substantially true and correct. Nothing in our independent review of the record would support a claim that the prosecution failed to honor the plea agreement, nor give rise to a manifest injustice.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing sentence, the court considered the seriousness of the offenses, Sammer's character, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶40-44, 270 Wis. 2d 535, 678 N.W.2d 197. Sammer also had the opportunity to address the court directly, and did so prior to the court's imposition of sentence. The sentence, which the court imposed after it considered both aggravating and mitigating factors, is not disproportionate or shocking. *See State v. Daniels*, 117 Wis. 2d 9, 22, 343 N.W.2d 411 (Ct. App. 1983). Sammer received a sentence that was well-within the maximum potential sentence. He faced a maximum sentence on both counts of up to seven and one-half years, and he only was sentenced to a total prison term of three and one-half years, plus sixty days in jail. His sentences are far below the maximums he faced. Under the circumstances, it cannot reasonably be argued that Sammer's sentence is so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Upon our independent review of the record, we have found no other arguable basis for reversing the judgments of conviction. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32. Therefore,

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 John R. Sammer 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*