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DISTRICT IV

December 7, 2023

To:

Hon. Julie Genovese
Circuit Court Judge
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Carlo Esqueda
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Joseph G. Green
Mendota Mental Health Institution
301 Troy Dr.
Madison, WI 53704

Kelsey Jarecki Morin Loshaw
Electronic Notice

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

2022AP1722-CRNM State of Wisconsin v. Joseph G. Green (L.C. # 2019CF3109)

Before Blanchard, Graham, and Taylor, 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 Kelsey Loshaw, as appointed counsel for Joseph Green, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Green with a copy of the report, and both counsel and this court advised him of his right to file a response. Green 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 2021-22 version.

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

Pursuant to a plea agreement, Green pled guilty to an amended charge of second-degree intentional homicide, with the State conceding that it was unable to prove the absence of certain mitigating circumstances beyond a reasonable doubt to support the initial first-degree intentional homicide charge. The State then stipulated that it would not oppose Green's further plea of not guilty by reason of mental disease or defect. The court ordered Green committed for forty years.

Before the plea, and after several competency evaluations, Green was eventually found competent to proceed to trial. The record does not show any basis to seek postdisposition relief regarding the circuit court's decision that Green was competent.

The no-merit report addresses whether Green's guilty plea was entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Green 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 the commitment order. The parties stipulated to an institutional placement disposition, but did not agree on the length of the commitment. As explained in the no-merit report, the forty-year length of commitment imposed by the circuit court is within the legal maximum. As to the length of the commitment, the court heard argument and 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 order of commitment and the order for subsequent placement are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Loshaw is relieved of any further representation of Joseph Green 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