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DISTRICT III

May 7, 2024

To:

Hon. Sarah M. Harless
Circuit Court Judge
Electronic Notice

Susan Schaffer
Clerk of Circuit Court
Eau Claire County Courthouse
Electronic Notice

Tristan S. Breedlove
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Larry A. Young 708962
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

2022AP2148-CRNM State of Wisconsin v. Larry A. Young
(L. C. No. 2021CF310)

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).

Counsel for Larry A. Young has filed a no-merit report concluding that no grounds exist to challenge Young's convictions for strangulation and suffocation and attempted second-degree sexual assault.¹ Young was informed of his right to file a response to the no-merit report, and he has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could

¹ The no-merit report was filed by Attorney Jefren E. Olsen, who has been replaced by Attorney Tristan S. Breedlove as Young's appellate counsel.

be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21 (2021-22).²

In Eau Claire County case No. 2021CF310, the State charged Young with stalking resulting in bodily harm; strangulation and suffocation; attempted second-degree sexual assault; and fourth-degree sexual assault. According to the complaint, Young drove his car around the bars on Water Street in Eau Claire and parked his car in various spots without entering any of the bars. Young approached Rose³ in his car after she exited a bar and told her that her friends had called him to pick her up. While in the car, Young began rubbing Rose's leg. After she pushed his hand away, Young pulled into a storage unit area and demanded payment for the ride. When Rose stated that her friend would pay him, Young responded that he did not want money. Young then began rubbing Rose's thigh and vaginal area over her tights. When Rose pushed his hand away, Young began choking Rose, making it difficult for her to breathe. Rose escaped and ran from the car after poking Young in the eye.

In Eau Claire County case No. 2021CF366, the State charged Young with fourth-degree sexual assault and false imprisonment for acts committed against a second woman. Young entered into a plea agreement to resolve both cases.⁴ In exchange for Young's no-contest pleas to strangulation and suffocation and attempted second-degree sexual assault in case No. 2021CF310 and the two offenses charged in case No. 2021CF366, the State agreed to

² All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

³ Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym instead of the victim's name.

⁴ Review of Eau Claire County case No. 2021CF366 is not before us in this appeal.

recommend that the circuit court dismiss and read in the remaining counts. The State remained free to argue at sentencing. Young completed a plea questionnaire and waiver of rights form, and, after a colloquy, the court accepted his no-contest pleas in both cases. Out of a maximum total potential sentence of twenty-six years for the offenses in this case, the court imposed consecutive sentences resulting in a nineteen-year term, consisting of eleven years of initial confinement followed by eight years of extended supervision. The court awarded Young three days of sentence credit, and it ordered lifetime sex offender registration as mandated by WIS. STAT. § 301.45(5)(b)1m.

The no-merit report addresses whether Young knowingly, intelligently, and voluntarily entered his no-contest pleas and whether the circuit court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel’s description, analysis, and conclusion that neither of these issues has arguable merit. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further. Additionally, with some exceptions not relevant here, Young’s valid no-contest pleas waived all nonjurisdictional defects and defenses. *See State v. Kelty*, 2006 WI 101, ¶¶18 & n.11, 34, 294 Wis. 2d 62, 716 N.W.2d 886.

Our independent review of the record discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Tristan S. Breedlove is relieved of her obligation to further represent Larry A. Young 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