

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

January 30, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-3004-CR-NM

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

RAYMOND T. GOLDEN,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Milwaukee County: JANINE P. GESKE, Judge. *Affirmed.*

Before Wedemeyer, P.J., Sullivan and Schudson, JJ.

PER CURIAM. Raymond T. Golden appeals from a judgment of conviction for unarmed robbery, first-degree sexual assault and false imprisonment. He was sentenced to five years imprisonment on the first count, ten years consecutive on the second, and two years concurrent on the third.

Golden's appellate counsel filed a no merit report pursuant to RULE 809.32, STATS., and *Anders v. California*, 386 U.S. 738 (1967). Golden received a copy of the report and was informed of his right to file a response. He has elected not to do so. On the basis of the no merit report and an independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we affirm the judgment of conviction, and we relieve Attorney Eugene R. Pigatti of further representing Golden in this matter.

The no merit report first addresses the question of effective assistance of trial counsel. While no *Machner* hearing was evidently held, we are nonetheless persuaded that no issue of arguable merit could arise on this point. Our review of the record reveals nothing to show that trial counsel made errors so serious that he was not functioning as the counsel guaranteed by the Sixth Amendment. See *State v. Resio*, 148 Wis.2d 687, 697, 436 N.W.2d 603, 607 (1989). Moreover, the question of trial counsel's performance was addressed by the circuit court just prior to closing argument, when Golden indicated his displeasure with trial counsel. The circuit court concluded that Golden was being competently represented, and our review of the record indicates nothing to belie that assessment.

The no merit report also addresses the question of whether the evidence was sufficient in light of guilty verdicts on both unarmed robbery and first-degree sexual assault. Again, we are unpersuaded that any issue of arguable merit could arise from this. If any possibility exists that the trier of fact could have drawn the appropriate inferences from the evidence adduced at trial

to find the requisite guilt, an appellate court may not overturn a verdict. *See State v. Poellinger*, 153 Wis.2d 493, 507, 451 N.W.2d 752, 758 (1990). Here, the jury could have concluded from parts of the victim's testimony that the threat of a weapon did not come until after the robbery.

Our review of the record reveals no other issues of arguable merit. Accordingly, we affirm the judgment of conviction, and we relieve Attorney Eugene R. Pigatti of further representing Golden in this matter.

By the Court. – Judgment affirmed.