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DISTRICT II

September 11, 2013

To:

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

2013AP528-CRNM State of Wisconsin v. Lawrence L. White (L.C. #2009CF150)

Before Brown, C.J., Neubauer, P.J. and Gundrum, J.

Lawrence L. White appeals from a judgment of conviction for second-degree sexual assault of a child under age sixteen. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12),¹ and *Anders v. California*, 386 U.S. 738 (1967). White 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 review of the record, we conclude that

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

the judgment may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

A fifteen-year-old girl reported that sexual contact occurred with a man known to her as “Lorenzo,” after she agreed to meet him late one night. The girl reported that the pair stopped in a Wal-Mart and purchased sodas. The security tape from the Wal-Mart store showed the girl and White was identified as the man with her. White agreed to meet with the investigating officer at the Wal-Mart. Upon entering the officer’s car, White was told he was not in custody, that he was free to leave at any time, and that he did not have to talk to the officer. White acknowledged sexual contact with the girl whom he knew to be fifteen years old. White’s pretrial motion to suppress his statement to the officer was denied. The trial court found the interview was noncustodial and therefore, *Miranda*² warnings were not required. The trial court also determined that White’s statement was voluntary. Subsequently, White entered a no-contest plea. Facing a maximum term of imprisonment of forty years, White was sentenced to five years’ initial confinement and four years’ extended supervision.

The no-merit report addresses the potential issues of whether the trial court’s denial of the motion to suppress White’s statement was correct, whether White’s plea was freely, voluntarily and knowingly entered, and whether the sentence was the result of an erroneous exercise of discretion or excessive. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

² *Miranda v. Arizona*, 384 U.S. 436 (1966).

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction and discharges appellate counsel of the obligation to represent White further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Andrea Taylor Cornwall is relieved from further representing Lawrence L. White in this appeal. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals