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DISTRICT III

November 18, 2014

To:

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

2014AP105-CRNM State of Wisconsin v. Christopher M. Kuettel (L. C. #2011CF210)

Before Hoover, P.J., Stark and Hruz, JJ.

Counsel for Christopher Kuettel has filed a no-merit report concluding no grounds exist to challenge Kuettel's convictions for child enticement-sexual contact and capturing an image of nudity without consent, contrary to WIS. STAT. §§ 948.07(1) and 942.09(2)(am)1. (2011-12).¹ Kuettel was informed of his right to file a response to the no-merit report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738

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

(1967), we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged Kuettel with possession of child pornography; child enticement; causing a child under the age of thirteen years to view or listen to sexual activity; and capturing an image of nudity without consent. In exchange for his no contest pleas to child enticement and capturing an image of nudity without consent, the State agreed to dismiss and read in the remaining charges. Both sides remained free to argue the sentence. Out of a maximum possible twenty-eight and one-half-year sentence, the court imposed concurrent sentences resulting in a total of seventeen years, consisting of seven years' initial confinement followed by ten years' extended supervision.

The record discloses no arguable basis for withdrawing Kuettel's no contest pleas. The court's plea colloquy, as supplemented by a plea questionnaire and waiver of rights form that Kuettel completed, informed Kuettel of the elements of the offenses, the penalties that could be imposed, and the constitutional rights he waived by entering a no contest plea. The court confirmed Kuettel's understanding that it was not bound by the terms of the plea agreement, *see State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, and also advised Kuettel of the deportation consequences of his plea, as mandated by WIS. STAT. § 971.08(1)(c). Additionally, the court found that a sufficient factual basis existed in the criminal complaint to support the conclusion that Kuettel committed the crimes charged. The record shows the pleas were knowingly, voluntarily and intelligently made. *See State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

The record discloses no arguable basis for challenging the sentence imposed. Before imposing a sentence authorized by law, the court considered the seriousness of the offenses; Kuettel's character; the need to protect the public; and the mitigating factors Kuettel raised. *See State v. Gallion*, 2004 WI 42, 270 Wis. 2d 535, 678 N.W.2d 197. Under these circumstances, it cannot reasonably be argued that Kuettel'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).

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

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

IT IS FURTHER ORDERED that attorney Steven D. Grunder is relieved of further representing Kuettel in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals