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**DISTRICT IV**

March 20, 2015

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

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2014AP237-CRNM      State of Wisconsin v. Norman L. Walker, Jr. (L.C. # 2010CF2113)

Before Lundsten, Sherman and Kloppenburg, JJ.

Attorney Gina Frances Bosben, appointed counsel for Norman Walker, has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2013-14)<sup>1</sup> and *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses whether there would be arguable merit to a challenge to Walker's plea, the effective assistance of Walker's trial counsel, or the sentence imposed by the circuit court. Walker was sent a copy of

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

the report, but has not filed a response. Upon independently reviewing the entire record, as well as the no-merit report, we agree with counsel's assessment that there are no arguably meritorious appellate issues. Accordingly, we affirm.

In December 2010, Walker was charged with multiple counts based on a recent string of robberies in the Madison area. In April 2011, Walker pled no contest to two counts of armed robbery as party to a crime, one count of robbery with use of force as party to a crime, and one count of felon in possession of a firearm. Pursuant to the plea agreement, the repeater allegations were dismissed for all of the charges. Additionally, four counts of armed robbery, one count of robbery with use of force, and one count of unauthorized use of another's identification to obtain money were dismissed but read-in for sentencing purposes. The court sentenced Walker to a total of seven years of initial confinement and five years of extended supervision. The court found Walker eligible for the Challenge Incarceration Program after serving five years and ordered all prison sentences as Risk Reduction Sentences.

First, the no-merit report addresses whether there would be arguable merit to a challenge to the validity of Walker's plea. A post-sentencing motion for plea withdrawal must establish that plea withdrawal is necessary to correct a manifest injustice, such as a plea that was not knowing, intelligent, and voluntary. *State v. Brown*, 2006 WI 100, ¶18, 293 Wis. 2d 594, 716 N.W.2d 906. Here, the circuit court conducted a plea colloquy that satisfied the court's mandatory duties to personally address Walker and determine information such as Walker's understanding of the nature of the charges and the range of punishments he faced, the constitutional rights he waived by entering a plea, and the direct consequences of the plea. *See State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. There is no indication of

any other basis for plea withdrawal. Accordingly, we agree with counsel's assessment that a challenge to Walker's plea would lack arguable merit.

Next, the no-merit report addresses whether there would be arguable merit to a claim of ineffective assistance of counsel during the plea proceedings. We agree with counsel's assessment that nothing before us would support an arguably meritorious claim of ineffective assistance of counsel.

Finally, the no-merit report addresses whether there would be arguable merit to a challenge to Walker's sentence. A challenge to a circuit court's exercise of its sentencing discretion must overcome our presumption that the sentence was reasonable. *State v. Ramuta*, 2003 WI App 80, ¶23, 261 Wis. 2d 784, 661 N.W.2d 483. Here, the court explained that it considered the facts relevant to the standard sentencing factors and objectives, including the need to protect the public, Walker's character and criminal history, and the gravity of the offenses. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. The sentence for each crime was within the applicable penalty range. Each sentence, as well as the total sentence, was well within the maximum Walker faced, and therefore was not so excessive or unduly harsh as to shock the conscience. *See State v. Grindemann*, 2002 WI App 106, ¶31, 255 Wis. 2d 632, 648 N.W.2d 507. We discern no erroneous exercise of the court's sentencing discretion.

Upon our independent review of the record, we have found no other arguable basis for reversing the judgment of conviction. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

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

IT IS FURTHER ORDERED that Attorney Bosben is relieved of any further representation of Walker in this matter. *See* WIS. STAT. RULE 809.32(3).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*