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DISTRICT III

March 24, 2015

To:

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

2014AP1608-CRNM State v. Kham Reungsy (L. C. No. 2012CF1077)

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

Counsel for Kham Reungsy filed a no-merit report concluding there is no basis to challenge Reungsy's conviction for first-degree sexual assault of a child—sexual contact with a person under age thirteen, in violation of WIS. STAT. § 948.02(1)(e).¹ Reungsy was advised of his right to respond and he responded. Upon our independent review of the record as mandated

¹ References to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised and summarily affirm the conviction.

The charge arose from babysitting the child of Reungsy's cousin. The circuit court ordered competency examinations, but at the competency hearing Reungsy decided not to challenge competency, and the circuit court found him competent to proceed. Reungsy pled no contest to the sexual assault charge, and the circuit court imposed a sentence of five years' initial confinement and seven years' extended supervision.

With the assistance of an interpreter, the circuit court's plea colloquy informed Reungsy of the constitutional rights he waived by pleading no contest, the elements of the offense and the potential penalty. Reungsy was advised of the deportation consequences of his plea. The court specifically confirmed Reungsy's understanding that it was not bound by the parties' agreement and could impose the maximum penalty. An adequate factual basis in the criminal complaint supported the conclusion that Ruengsy committed the crime charged, and the record shows the plea was knowingly, voluntarily and intelligently entered. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). A valid plea waives all nonjurisdictional defenses and defects. *State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.

This court has been advised that Reungsy died while incarcerated and thus any issue pertaining to the court's sentencing discretion is moot.

Our independent review of the record discloses no other issues of arguable merit.

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed.

IT IS FURTHER ORDERED that attorney Joseph Ehmann is relieved of further representation in this matter.

Diane M. Fremgen
Clerk of Court of Appeals