



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT III**

January 5, 2016

To:

Hon. Mark J. McGinnis  
Circuit Court Judge  
Outagamie County Justice Center  
320 S Walnut St  
Appleton, WI 54911

Barb Bocik  
Clerk of Circuit Court  
Outagamie County Courthouse  
320 S. Walnut Street  
Appleton, WI 54911

Timothy T. O'Connell  
O'Connell Law Office  
403 S. Jefferson St.  
Green Bay, WI 54301

Carrie A. Schneider  
District Attorney  
320 S. Walnut St.  
Appleton, WI 54911

Gregory M. Weber  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Robert C. Adams, III 625312  
Stanley Corr. Inst.  
100 Corrections Drive  
Stanley, WI 54768

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

---

2015AP1891-CRNM      State of Wisconsin v. Robert C. Adams, III (L. C. #2014CF37)

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

Counsel for Robert Adams has filed a no-merit report concluding there is no arguable basis for Adams to withdraw his no contest pleas or challenge the sentences imposed for repeated sexual assault of a child and child enticement. Adams was advised of his right to respond to the report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable basis for appeal.

Adams was charged with repeated sexual assault of a child, sexual exploitation of a child, and child enticement. According to the complaint, the fifteen-year-old victim's mother discovered her daughter had been having sexual relations with Adams based on 141 text messages between Adams and the victim. In the messages, Adams unequivocally stated he was having sexual intercourse with the child. In a subsequent recorded telephone conversation, knowing a deputy was listening on a speaker phone, Adams admitted having intercourse with the victim and described himself as a pedophile.

Pursuant to a plea agreement, the State agreed to dismiss and read in the sexual exploitation charge in return for Adams' no contest pleas to the other counts. The State agreed to argue for no more than twenty-five years' initial confinement and fifteen years' extended supervision. The court accepted the pleas and imposed concurrent sentences totaling twenty years' initial confinement and fifteen years' extended supervision.

The record discloses no arguable manifest injustice upon which Adams could withdraw his no contest pleas. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy, supplemented by a Plea Questionnaire/Waiver of Rights form, informed Adams of the elements of the offenses, the potential penalties, and the constitutional rights he waived by pleading no contest. As required by *State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, the court reminded Adams it was not bound by the parties' sentence recommendations and could impose consecutive maximum sentences. The court also gave Adams the deportation warning required by *State v. Douangmala*, 2002 WI 62, ¶¶19, 21,

253 Wis. 2d 173, 646 N.W.2d 1. The court determined Adams' level of education,<sup>1</sup> and that he had not consumed any drugs or alcohol prior to the plea, and that he was not receiving treatment for any mental illness or disorder. Adams agreed to use the probable cause statement in the complaint as the factual basis for the pleas. The record shows the pleas were knowingly, voluntarily, and intelligently entered. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). Entry of valid no contest pleas constitutes a waiver of all nonjurisdictional defects and defenses. *Id.* at 293.

The record also discloses no arguable basis for challenging the sentencing court's discretion. The court could have imposed consecutive sentences totaling sixty-five years' imprisonment and fines totaling \$200,000. The court appropriately considered the seriousness of the offenses, Adams' character, and the need to protect the public. See *State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court considered no improper factors, and the sentences imposed were not arguably 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. WIS. STAT. RULE 809.21 (2013-14).

---

<sup>1</sup> The plea form lists his education as "12+".

IT IS FURTHER ORDERED that attorney Timothy O'Connell is relieved of his obligation to further represent Adams in this matter. WIS. STAT. RULE 809.32(3) (2013-14).

---

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