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February 22, 2017

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

2016AP1862-CRNM State of Wisconsin v. Lontrell L. Valore (L.C. # 2015CF814)

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

Lontrell L. Valore appeals from a judgment convicting him of second-degree sexual assault of a child under sixteen years of age. His appellate counsel has filed a no-merit report

pursuant to WIS. STAT. RULE 809.32 (2015-16)¹ and *Anders v. California*, 386 U.S. 738 (1967). Valore 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 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.

Valore began having sexual intercourse with his thirteen-year-old stepdaughter in April 2012. He had intercourse with the girl over 300 times. In June 2013 the girl became pregnant and she gave birth in February 2014. Not until the baby was one-year-old did the girl reveal that Valore was the father. She explained she did not tell anyone the truth because Valore told her to always keep their relationship a secret. While in jail, Valore twice called the girl trying to persuade her to recant her statement.

Valore was charged with second-degree sexual assault of a child and two counts of intimidation of a victim. He pled guilty to the sexual assault charge and the other charges were dismissed as read-ins. The prosecution agreed to recommend a sentence of seven to ten years' initial confinement and ten years' extended supervision and complied with that agreement at sentencing. Valore was sentenced to nineteen years' initial confinement and ten years' extended supervision.²

The no-merit report addresses the potential issues of whether Valore's plea was freely, voluntarily, and knowingly entered and whether the sentence was the result of an erroneous

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

² A \$250 DNA surcharge was imposed which was mandatory when Valore committed the crime of second-degree sexual assault under WIS. STAT. § 948.02(2). *See* WIS. STAT. § 973.046(1r) (2011-12).

exercise of discretion or otherwise 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.

Our review of the record discloses no other potential issues for appeal.³ Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Valore 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 Marcella De Peters is relieved from further representing Lontrell L. Valore in this appeal. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals

³ Any other possible appellate issues from the proceedings before entry of the plea are waived because Valore's guilty plea waived the right to raise nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.