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DISTRICT IV

March 2, 2017

To:

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

2016AP253-CRNM State of Wisconsin v. Bonnell Hanger (L.C. # 2014CF409)

Before Kloppenburg, P.J., Higginbotham and Sherman, JJ.

Attorney Thomas Aquino, appointed counsel for Bonnell Hanger, 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). Counsel provided Hanger with a copy of the report, and both counsel and this court advised him of his right to file a response. Hanger has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our

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

independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Hanger pled guilty to one count of second-degree intentional homicide, while armed with a dangerous weapon. The circuit court imposed a sentence of twenty-five years of initial confinement and ten years of extended supervision.

The no-merit report addresses whether Hanger's plea was entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Hanger was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. See *State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

The no-merit report addresses whether the circuit court erred by denying Hanger's motion for sentence modification based on a new factor. The motion claimed that it was a new factor that the psychiatrist who prepared a sentencing evaluation on Hanger's behalf had only recently learned fully of Hanger's level of alcohol use at the time of the crime. The circuit court concluded that this was not a highly relevant factor in sentencing, and would not change the outcome. We agree with counsel that it would be frivolous to raise this issue on appeal.

Our review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment of conviction and order denying postconviction relief are summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

Diane M. Fremgen
Clerk of Court of Appeals