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**DISTRICT IV**

May 10, 2017

To:

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

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2016AP1216-CRNM      State of Wisconsin v. Jason L. Neitzel (L.C. # 2013CF200)

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

Attorney Gina Frances Bosben, appointed counsel for Jason Neitzel, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Neitzel with a copy of the report, and both counsel and this court advised him of his right to file a response. Neitzel has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our

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<sup>1</sup> 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.

Neitzel pled no contest to one count of first-degree sexual assault of a child, one count of exploitation of a child, and one count of possession of child pornography. The court imposed consecutive sentences that totaled fifteen years of initial confinement and forty years of extended supervision.

The no-merit report addresses whether Neitzel's pleas were 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 Neitzel 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 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.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Michael Covey<sup>2</sup> is relieved of further representation of Neitzel in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published and may not be cited under WIS. STAT. RULE 809.23(3)(b).

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

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<sup>2</sup> Covey was appointed to replace the attorney who filed the no-merit report.