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DISTRICT III

January 9, 2018

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

2017AP1942-CRNM State of Wisconsin v. William R. Wuorenma
(L. C. No. 2016CF435)

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

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Counsel for William Wuorenma has filed a no-merit report concluding no grounds exist to challenge Wuorenma's conviction for second-degree sexual assault of a child under the age of sixteen, contrary to WIS. STAT. § 948.02(2) (2015-16).[1] Wuorenma was informed of his right to

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

file a response to the no-merit 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 merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged Wuorenma with three counts of second-degree sexual assault of a child under the age of sixteen; one count of causing a child under the age of thirteen to view or listen to sexual activity; and one count of contributing to the delinquency of a child. In exchange for Wuorenma's guilty plea to one of the second-degree sexual assault counts, the State agreed to dismiss and read in the remaining counts in this case and another pending case and join in defense counsel's recommendation for a presentence investigation report. Out of a maximum possible forty-year sentence, the circuit court imposed twenty-two years, consisting of twelve years' initial confinement followed by ten years' extended supervision.

The record discloses no arguable basis for withdrawing Wuorenma's guilty plea. The circuit court's plea colloquy, as supplemented by a plea questionnaire and waiver of rights form that Wuorenma completed, informed Wuorenma of the elements of the offense, the penalties that could be imposed, and the constitutional rights he waived by entering a guilty plea. The circuit court confirmed that Wuorenma understood the court was not bound by the terms of the plea agreement, *see* ***State v. Hampton***, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, and advised Wuorenma of the deportation consequences of his plea, as mandated by WIS. STAT. § 971.08(1)(c). The circuit court confirmed that prescribed medication Wuorenma was receiving did not interfere with his ability to understand the proceedings. Additionally, the circuit court properly found that a sufficient factual basis existed in the record to support the conclusion that

Wuorenma committed the crime charged. The record shows the plea was knowingly, voluntarily and intelligently made. *See* ***State v. Bangert***, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

The record discloses no arguable basis for challenging the sentence imposed. Before imposing a sentence authorized by law, the circuit court considered the seriousness of the offense; Wuorenma's character; the need to protect the public; and the mitigating factors Wuorenma raised. *See* ***State v. Gallion***, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. The court placed particular emphasis on the severity of the crime, concluding that probation would depreciate the seriousness of the offense. There is a presumption that Wuorenma's sentence, which is well within the maximum allowed by law, is not unduly harsh or unconscionable, nor "so excessive and unusual" as to shock public sentiment. *See* ***State v. Grindemann***, 2002 WI App 106, ¶¶31-32, 255 Wis. 2d 632, 648 N.W.2d 507; *see also* ***Ocanas v. State***, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Further, there is no arguable merit to any claim that the various conditions of extended supervision were not "reasonable and appropriate" under the circumstances of this case. *See* ***State v. Koenig***, 2003 WI App 12, ¶7, 259 Wis. 2d 833, 656 N.W.2d 499.

Our independent review of the record discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Melissa Petersen is relieved of further representing Wuorenma in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Acting Clerk of Court of Appeals