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

DISTRICT III

January 30, 2018

To:

Hon. Tammy Jo Hock
Circuit Court Judge
Brown County Courthouse
100 S. Jefferson St, P.O. Box 23600
Green Bay, WI 54305-3600

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
P.O. Box 23600
Green Bay, WI 54305-3600

Erica L. Bauer
Bauer & Farris, LLC
Zuelke Bldg., Ste. 410
103 W. College Ave.
Appleton, WI 54911

David L. Lasee
District Attorney
P.O. Box 23600
Green Bay, WI 54305-3600

Criminal Appeals Unit
Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

John W. Taylor 366565
Oshkosh Corr. Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2016AP1901-CRNM State v. John W. Taylor
(L. C. No. 2014CF1405)

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 John Taylor has filed a no-merit report concluding there is no basis to challenge Taylor's convictions for child enticement and delivery of methamphetamine. Taylor was advised of his right to respond and has failed to respond. Upon our independent review of

the record as mandated by ***Anders v. California***, 386 U.S. 738 (1967), we conclude there is no arguable issue of merit that could be raised on appeal and summarily affirm.

A criminal complaint alleged that police received a phone call from the fifteen-year-old victim's mother, reporting that her daughter had been missing for several days. The mother had access to her daughter's Facebook account and learned that she was possibly with forty-year-old Taylor. Messages between Taylor and the victim were sexual in nature, including mention of a "three-way" with Taylor and his girlfriend, Stephanie Giraud. The messages also included details about methamphetamine.

Approximately one week later, police received another call from the mother indicating her daughter had returned home and had disclosed information about her activities while she was missing. The daughter subsequently gave a statement to police stating that Taylor messaged her on Facebook indicating he had methamphetamine, and that he had picked her up at her home and taken her to a motel where she smoked methamphetamine, cocaine and marijuana with Taylor and Giraud over the course of a week. She also stated that while she was with Taylor in the motel room, Taylor kept his methamphetamine and pipe in an air vent and/or the light fixtures in the room.

Police located Giraud and Taylor at the motel room they had rented together for some time, and they searched the room pursuant to Giraud's consent. Police discovered a bag with methamphetamine residue, a glass pipe with marijuana residue, numerous baggies with "hearts" on them, and a digital scale. Police observed that Giraud was unable to sit still, had difficulty keeping her balance, and her speech was slurred. Giraud advised police she had smoked

marijuana and methamphetamine that day. During transport to jail, Giraud stated, without being questioned, "I thought John took the stuff with him. I didn't think he left it there."

Taylor was charged with child enticement; delivery of methamphetamine; possession of methamphetamine; possession of drug paraphernalia; and contributing to the delinquency of a minor. Taylor pled no contest to child enticement and delivery of methamphetamine, and the remaining charges were dismissed and read in. The circuit court imposed a sentence consisting of twelve years' initial confinement and ten years' extended supervision on the child enticement count; and seven years' initial confinement and five years' extended supervision on the delivery charge, concurrently.

There is no manifest injustice upon which Taylor may withdraw his pleas. *See* ***State v. Duychak***, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The circuit court's plea colloquy, buttressed by the plea questionnaire and waiver of rights form signed by Taylor with attached jury instructions, informed Taylor of the constitutional rights he waived by pleading no contest, the elements of the offenses, and the potential punishment. The court specifically advised Taylor it was not bound by the parties' agreement and could impose the maximum penalties. The court also advised Taylor of the potential deportation consequences of his pleas, as mandated by WIS. STAT. § 971.08(1)(c).[1] Taylor conceded the facts alleged in the criminal complaint supplied a factual basis supporting the conviction. The court also confirmed there was nothing about Taylor's medication that made it difficult for him to understand the proceedings. The record demonstrates the pleas were entered knowingly, intelligently, and voluntarily. *See*

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

State v. Bangert, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). Entry of a valid no contest or guilty plea constitutes a waiver of all nonjurisdictional defenses and defects. ***Id.*** at 265-66.

The record also discloses no basis for challenging the circuit court's sentencing discretion. The court considered the proper factors, including Taylor's character, the seriousness of the offense, and the need to protect the public. *See* ***State v. Harris***, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court noted that Taylor had enticed "a fifteen-year-old to come to his hotel room for at least a week giving her methamphetamine." The court also emphasized the sexually explicit comments on Facebook between Taylor and the victim. The court further noted the victim stated in the Victim Impact Statement that she used drugs the entire time while she was in the motel room, and "when she woke up one time after being passed out, you were lying next to her, cuddling with her, only had your boxers on." The court also stated the victim "reports … that her anal cavity was bleeding and in throbbing pain along with her vaginal area as well." The court emphasized Taylor's horrendous prior criminal record and "progressively more serious type crimes," including "at least nine revocations if you count the fact that you have been revoked from extended supervision and revoked from prison in the past." The court indicated a need to impose a long prison sentence to protect the public. The maximum allowable punishment on count one was twenty-five years' imprisonment and $100,000 fine; and on count two, Taylor faced a potential twelve years' six months' imprisonment and $25,000 fine. The court's sentence was well within the maximum allowable and thus presumptively neither harsh

nor excessive. *See* ***State v. Grindemann***, 2002 WI App 106, ¶¶29-33, 255 Wis. 2d 632, 648 N.W.2d 507.[2]

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

Therefore,

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

IT IS FURTHER ORDERED that attorney Erica Bauer is relieved of further representing Taylor in this matter.

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

Diane M. Fremgen
Acting Clerk of Court of Appeals

[2] The circuit court referenced the COMPAS risk assessment, but it was not determinative of the sentence imposed. *See* ***State v. Loomis***, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749.