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DISTRICT II

February 28, 2018

To:

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

2017AP1990-CRNM State of Wisconsin v. Norberto Garcia (L.C. #2016CF172)

Before Neubauer, C.J., Gundrum and Hagedorn, 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).

Norberto Garcia appeals from a judgment of conviction for first-degree sexual assault of a child. 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). Garcia received a copy of the report,

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

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.

Garcia was charged with having sexual contact with an eleven-year-old neighbor. The child visited Garcia at his residence, fell asleep while sitting on his lap, and woke up to Garcia's hand inside her underwear. Garcia was touching and spreading her vaginal lips. Garcia entered a guilty plea and was sentenced to fifteen years' initial confinement and ten years' extended supervision.

The no-merit report addresses the potential issues of whether Garcia's plea was freely, voluntarily, and knowingly entered and whether the sentence was the result of an erroneous exercise of discretion or unduly harsh. 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. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Garcia 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 Timothy T. O'Connell is relieved from further representing Norberto Garcia in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals