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March 5, 2018

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

2017AP1442-CRNM State of Wisconsin v. Brittany E. Parrish
(L.C. # 2016CF85)

Before Brennan, P.J., Kessler and Dugan, 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).

Brittany E. Parrish appeals from a judgment of conviction for one count of delivering heroin (less than three grams), contrary to WIS. STAT. § 961.41(1)(d)1. (2015-16).¹ Parrish's appellate counsel, Suzanne L. Hagopian, has filed a no-merit report pursuant to *Anders v.*

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

California, 386 U.S. 738 (1967) and WIS. STAT. RULE 809.32. Parrish has not filed a response. We have independently reviewed the record and the no-merit report as mandated by *Anders*. We conclude that there is no issue of arguable merit that could be pursued on appeal. We therefore summarily affirm.

Parrish was charged with delivery of heroin after selling the drug to a confidential informant. Parrish entered a plea agreement with the State. In exchange for her no-contest plea, the State agreed to recommend a sentence of four years of initial confinement and five years of extended supervision. The State also agreed to recommend that Parrish be declared eligible for the Challenge Incarceration Program and the Substance Abuse Program. At sentencing, Parrish's trial counsel urged the trial court to follow the recommendation of the presentence investigation report, which suggested a sentence of two years of initial confinement and two to three years of extended supervision.² Ultimately, however, the trial court followed the State's recommendation, including making Parrish eligible for the aforementioned early release programs. The trial court also ordered Parrish to provide a DNA sample and imposed a single DNA surcharge on Parrish, who had not previously been convicted of a crime in Wisconsin.

The no-merit report thoroughly addresses the potential issues of whether Parrish's plea was freely, voluntarily, and knowingly entered, whether there was a factual basis for the plea,

² The presentence investigation report filed in this matter included a COMPAS assessment. COMPAS is a risk assessment tool used, in part, to predict recidivism. *See State v. Loomis*, 2016 WI 68, ¶¶13-14, 371 Wis. 2d 235, 881 N.W.2d 749. A sentencing court may consider a COMPAS assessment, *see id.*, ¶120, but the assessment may not be determinative in deciding whether the offender should be incarcerated, the severity of the sentence, or whether the offender could be supervised safely and effectively in the community, *see id.*, ¶98. In the present case, the trial court indicated that it had read the presentence investigation report but did not mention the COMPAS assessment. We therefore conclude that no arguably meritorious basis exists to contend that the COMPAS assessment was determinative in sentencing.

and whether there would be any basis to challenge the sentence. For example, with respect to Parrish's plea, the no-merit report analyzes the trial court's compliance with WIS. STAT. § 971.08; *State v. Hampton*, 2004 WI 107, 274 Wis. 2d 379, 683 N.W.2d 14; and *State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986), discussing issues such as the trial court's explanation of the elements of the crime and the potential penalties. The no-merit report also addresses the sentence imposed, providing citations to the sentencing transcript and analyzing the trial court's compliance with *State v. Gallion*, 2004 WI 42, 270 Wis. 2d 535, 678 N.W.2d 197. This court is satisfied that the no-merit report properly analyzes the issues it raises and will not discuss those issues 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 Parrish 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 Suzanne L. Hagopian is relieved from further representing Brittany E. Parrish 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