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DISTRICT III/IV

March 20, 2018

To:

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

2017AP166-CRNM State of Wisconsin v. Adam S. Barnhardt (L.C. # 2015CF1194)

Before Lundsten, P.J., Sherman and Kloppenburg, 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).

Attorney Megan Sanders-Drazen, appointed counsel for Adam Barnhardt, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)¹ and *Anders v. California*, 386 U.S. 738 (1967). The no-merit report addresses the validity of the plea and sentence. Counsel

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

provided Barnhardt with a copy of the report, and both counsel and this court advised him of his right to file a response. Barnhardt has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Barnhardt pled guilty to one count of repeated sexual assault of the same child and one count of second-degree reckless endangerment of safety. On the sexual assault count, the circuit court imposed a sentence of thirty-six years of initial confinement and twenty years of extended supervision, followed by lifetime supervision as a serious sex offender. On the reckless endangerment count, the court withheld sentence and imposed five years of probation, to run consecutively with the sentence on the sexual assault count.

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 Barnhardt was waiving, and other matters. The record shows no other basis for plea withdrawal. Accordingly, there is no arguable merit to challenging Barnhardt's plea.

The no-merit report also addresses whether the circuit 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 within the applicable penalty ranges permissible by law. Therefore, there would be no arguable merit to challenging Barnhardt's sentence.

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 Megan Sanders-Drazen is relieved of further representation of Barnhardt in this matter. *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