



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 II/III

May 1, 2018

To:

Hon. Peter L. Grimm
Circuit Court Judge
Fond du Lac County Courthouse
160 South Macy Street
Fond du Lac, WI 54935

Ramona Geib
Clerk of Circuit Court
Fond du Lac County Courthouse
160 S. Macy St.
Fond du Lac, WI 54935

Alisha Lenae McKay
Assistant State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

Eric Toney
District Attorney
Fond du Lac County
160 S. Macy St.
Fond du Lac, WI 54935

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

Kenneth L. Steinle
118 W. 3rd Street, Apt. 2
Beaver Dam, WI 53916

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

2017AP193-CRNM State of Wisconsin v. Kenneth L. Steinle (L. C. No. 2014CF248)

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 Kenneth Steinle filed a no-merit report, and our independent review of the record revealed a potential issue arising from the circuit court's failure to personally advise Steinle of the potential deportation consequences of his plea, as mandated by WIS. STAT. § 971.08(1)(c) (2015-16). Accordingly, this court ordered counsel to: (1) file a supplemental no-merit report addressing why there is no arguable merit to this potential issue; (2) submit a

written statement signed by Steinle indicating he does not wish to withdraw his plea based on the circuit court's failure to personally advise him of the deportation consequences; or (3) file a motion for plea withdrawal in the circuit court on the basis of the court's failure.

Pursuant to the above order, counsel has now advised this court that Steinle cannot prove that his plea is likely to result in deportation, exclusion from admission, or denial of naturalization, because Steinle was born in Milwaukee and is thus a citizen of the United States. *See id.* Our prior order also advised Steinle that, with the exception of the potential deportation issue, we agreed with counsel's analysis of the issues raised in the no-merit report regarding whether Steinle's plea to operating a motor vehicle with a prohibited alcohol concentration, sixth offense, was entered knowingly, intelligently, and voluntarily. We also agreed with the no-merit report's analysis concerning the circuit court's sentencing discretion in imposing two years' initial confinement and three years' extended supervision. 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 (2015-16).

IT IS FURTHER ORDERED that attorneys Alisha McKay and Andrew Hinkel are relieved of further representing Steinle in this matter.

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

Sheila T. Reiff
Clerk of Court of Appeals