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**DISTRICT IV/II**

June 13, 2018

To:

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

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2017AP435-CRNM      State of Wisconsin v. Darrin Johnson (L.C. #2016CF538)

Before Reilly, P.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).**

Darrin Johnson appeals from judgments convicting him after a court trial of child abuse (intentional harm) contrary to WIS. STAT. § 948.03(2)(b) (2015-16),<sup>1</sup> resisting/obstructing contrary to WIS. STAT. § 946.41(1), and disorderly conduct (domestic abuse) contrary to WIS.

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

STAT. § 947.01(1). Johnson's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Johnson has filed a response to counsel's no-merit report. Upon consideration of the report, Johnson's response and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The circuit court withheld sentence and imposed concurrent two-year probation terms for child abuse and resisting/obstructing and sixty days in jail for disorderly conduct. Johnson received sentence credit.

The no-merit report addresses the following possible appellate issues: (1) whether Johnson properly waived his right to a jury trial, (2) whether the evidence was sufficient to convict Johnson, and (3) whether the circuit court misused its sentencing discretion. After reviewing the record, we conclude that counsel's no-merit report properly analyzes these issues and correctly concludes that these issues are without arguable merit.

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any potentially meritorious issue for appeal.

We have also considered Johnson's response to counsel's no-merit report. In his response, Johnson claims innocence and expresses concerns about the consequences for him of this case. We agree with appellate counsel that the evidence was sufficient to convict Johnson. Furthermore, credibility determinations were for the circuit court to make as the fact finder.

*State v. Owens*, 148 Wis. 2d 922, 930, 436 N.W.2d 869 (1989). Johnson's response does not raise any issue with arguable merit for appeal.

Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgments of conviction and relieve Attorney Patricia Sommer of further representation of Johnson in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Patricia Sommer is relieved of further representation of Darrin Johnson in this matter.

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*