



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 IV

June 18, 2018

To:

Hon. Mark L. Goodman
Circuit Court Judge
112 S Court St, Branch II
Sparta, WI 54656

Megan Sanders-Drazen
Asst. State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

Jan Moennig
Clerk of Circuit Court
Jackson County Courthouse
307 Main Street
Black River Falls, WI 54615-1776

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

Melissa S. Inlow
Asst. District Attorney
Jackson County Courthouse
307 Main Street
Black River Falls, WI 54615-1756

Henry L. Mustache 193561
Oshkosh Corr. Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2017AP916-CRNM State of Wisconsin v. Henry L. Mustache (L.C. # 2014CF194)

Before Lundsten, P.J., Kloppenburg and Fitzpatrick, 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 Henry Mustache, 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. Mustache was sent

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

a copy of the report, and has not filed a response. After our independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Mustache pled guilty to one count of incest. The transcript of the plea hearing and the plea questionnaire filled out by Mustache and his attorney show that the circuit court 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 Mustache was waiving, Mustache's understanding of the proceedings, and other matters. The record shows no other ground to withdraw the plea. Therefore, any challenge to the plea would be without arguable merit on appeal.

The no-merit report also addresses whether the court erroneously exercised its sentencing discretion. Mustache was sentenced to four years of initial confinement and five years of extended supervision. 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. The court imposed nine years of imprisonment out of a possible maximum of 12.5 years. See WIS. STAT. §§ 944.06; 939.50(3)(f); 973.01(2)(b)6m. and (d)4. (2013-14). We agree with counsel that there would be no arguable merit to challenging Mustache's sentence on appeal.

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 Henry Mustache 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