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DISTRICT III

June 26, 2018

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

2017AP839-CRNM State of Wisconsin v. Calvin T. Wilson (L. C. No. 2015CF333)

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 Calvin Wilson filed a no-merit report concluding no grounds exist to challenge Wilson's conviction for attempted first-degree intentional homicide. Wilson filed a response challenging his sentence as "harsh." Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit

to any issue that could be raised on appeal. Therefore, the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21 (2015-16).¹

The State charged Wilson with attempted first-degree intentional homicide; criminal damage to property as an act of domestic abuse; criminal trespass as an act of domestic abuse; and disorderly conduct while using a dangerous weapon as an act of domestic abuse—all four counts as a repeater, and the last three charges as a domestic abuse repeater. The charges arose from allegations that Wilson went to the home of his former girlfriend—with whom he shared a young son—and forced open a locked door. The complaint further alleged that upon entry into the home, Wilson stated that he just saw a man enter the home; Wilson demanded to know who the man was, and he threatened to kill the man, who was present during the exchange. Wilson then repeatedly stabbed David,² the brother of Wilson’s former girlfriend. David suffered significant injuries, including a punctured lung, but he survived the attack. Medical staff opined that, absent medical intervention, David would have died as a result of his injuries.

In exchange for Wilson’s no-contest plea to attempted first-degree intentional homicide, the State agreed to dismiss the repeater enhancer from that charge and dismiss and read in the remaining charges. The State also agreed to cap its sentence recommendation at fifteen years of initial confinement, leaving the length of extended supervision open to argument. The defense remained free to argue at sentencing. Out of a maximum possible sixty-year sentence, the circuit

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

² Pursuant to WIS. STAT. RULE 809.86(4), we use a pseudonym instead of the victim’s name.

court imposed a thirty-four-year sentence, consisting of seventeen years' initial confinement and seventeen years' extended supervision.

Wilson filed a postconviction motion challenging that part of the judgment ordering that Wilson have no contact with his son without permission of his probation agent. Wilson asserted that while in prison, he does not have an agent to grant such permission. The court granted Wilson's postconviction motion and amended the judgment to reflect that any contact between Wilson and his son during the period of initial confinement would be determined by the family court.

The no-merit report addresses whether Wilson knowingly, intelligently and voluntarily entered his no-contest plea and whether the circuit court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that any challenge to Wilson's plea or sentence—including any claim that the sentence was too harsh—would lack arguable merit. Our independent review of the record discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Ana L. Babcock is relieved of her obligation to further represent Wilson 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