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**DISTRICT III**

August 21, 2018

To:

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

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2017AP2516-CRNM      State of Wisconsin v. Ricky T. Johnson (L. C. No. 2016CF818)

Before Stark, P.J.<sup>1</sup>

**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).**

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

Ricky Johnson appeals from a judgment of conviction for two counts of fourth-degree sexual assault. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32, and *Anders v. California*, 386 U.S. 738 (1967). Johnson received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, the judgment is summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Johnson was charged with repeated sexual assault of a child after a girlfriend's daughter reported that when she was thirteen years old, Johnson touched her breasts on three occasions. Johnson entered a no-contest plea to the amended charge of two counts of fourth-degree sexual assault. After accepting Johnson's plea, the circuit court adopted the parties' joint-sentencing recommendation and sentenced Johnson to two consecutive terms of six months in jail. Johnson was also ordered to register as a sex offender for seventeen years.

The no-merit report addresses the potential issues of whether Johnson's plea was freely, voluntarily and knowingly entered; whether the prosecution complied with the plea agreement; and whether the sentence was the result of an erroneous exercise of discretion, unduly harsh or excessive, or based on inaccurate information. This court is satisfied that the no-merit report

properly analyzes the issues it raises as without merit, and this court will not discuss them further.<sup>2</sup>

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Johnson further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that attorney Erica L. Bauer is relieved from further representing Ricky T. Johnson in this appeal. *See* WIS. STAT. RULE 809.32(3).

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*

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<sup>2</sup> The no-merit report observes that during the plea colloquy the deportation warning required by WIS. STAT. § 971.08(1)(c) was not given. The record reflects that Johnson was born in Washington, D.C. The failure to give the warning is not a ground for relief because there is no suggestion that Johnson could show that his plea is likely to result in deportation. *See State v. Douangmala*, 2002 WI 62, ¶4, 253 Wis. 2d 173, 646 N.W.2d 1, *overruled on other grounds by State v. Fuerte*, 2017 WI 104, ¶36, 378 Wis. 2d 504, 904 N.W.2d 773.