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DISTRICT II

November 7, 2018

To:

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

2018AP965-CRNM State of Wisconsin v. Andrea M. Griffin (L.C. #2015CF388)

Before Neubauer, C.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).

Andrea M. Griffin appeals from a judgment convicting her of first-degree reckless homicide. Griffin's appointed appellate counsel has filed a no-merit report pursuant to WIS.

STAT. RULE 809.32 (2015-16)¹ and *Anders v. California*, 386 U.S. 738 (1967). Griffin was advised of her right to file a response but has elected not to do so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Griffin was charged with first-degree reckless homicide after providing heroin to an acquaintance who subsequently died. Her motion to suppress her statements to police was denied after a hearing based, largely, on a recording of the police interview. Griffin entered a no-contest plea to the charge. She later moved to withdraw her plea but then withdrew that motion. The circuit court sentenced her to eight years' initial confinement followed by ten years' extended supervision. This no-merit appeal followed.

The no-merit report considers whether: the court erred in denying Griffin's motion to suppress the statements she made to police; Griffin's no-contest plea was knowingly, intelligently and voluntarily entered; and the circuit court erroneously exercised its discretion in sentencing Griffin. As our review of the record satisfies us that the no-merit report properly and thoroughly analyzes these issues as without merit, we address them no further.

Our review of the record discloses no other potential issues for appeal. Griffin's no-contest plea waived the right to raise nonjurisdictional defects and defenses arising from proceedings before entry of the plea, including claimed violations of constitutional rights. *State v. Kraemer*, 156 Wis. 2d 761, 765, 457 N.W.2d 562 (Ct. App. 1990). Accordingly, this court

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

accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Griffin further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Angela Dawn Wenzel is relieved from further representing Griffin in this appeal. *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