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DISTRICT II

November 21, 2018

To:

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Vernon F. Cerney Jr.
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You are hereby notified that the Court has entered the following opinion and order:

2018AP643-CRNM State of Wisconsin v. Vernon F. Cerney, Jr. (L.C. #2016CF119)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

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).

Vernon F. Cerney, Jr. appeals from a judgment of conviction for possession of methamphetamine and possession of drug paraphernalia. His 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.

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

738 (1967). Cerney 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.

After the execution of a search warrant on his residence, Cerney was charged with possession of methamphetamine with intent to deliver within 1,000 feet of a school, possession of drug paraphernalia, and maintaining a drug trafficking place. Cerney agreed to plea no contest to the amended charge of possession of methamphetamine and the possession of drug paraphernalia charge. The prosecution agreed to recommend a withheld sentence in favor of three years' probation and was free to argue for appropriate conditional jail time. The third count was dismissed as a read-in at sentencing. The court withheld sentence and placed Cerney on concurrent terms of three years' probation and ninety days conditional jail time on the possession conviction.

The no-merit report addresses the potential issues of whether Cerney's plea was knowingly, voluntarily, and intelligently entered 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.

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 Cerney 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 Amber R. Gratz is relieved from further representing Vernon F. Cerney, Jr. 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