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**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
Facsimile (608) 267-0640  
Web Site: www.courts.state.wi.us

**DISTRICT IV**

November 15, 2018

To:

Hon. Joseph G. Sciascia  
Circuit Court Judge  
210 W. Center St.  
Juneau, WI 53039

Lynn M. Hron  
Clerk of Circuit Court  
Dodge County Justice Facility  
210 W. Center St.  
Juneau, WI 53039

Philip J. Brehm  
23 W. Milwaukee St., Ste. 200  
Janesville, WI 53548

Kurt F. Klomberg  
District Attorney  
Dodge County  
210 W. Center St.  
Juneau, WI 53039

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

Adam S. Raney 322770  
Columbia Correctional Inst.  
P.O. Box 900  
Portage, WI 53901-0900

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

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2018AP928-CRNM      State of Wisconsin v. Adam S. Raney (L.C. # 2016CF236)

Before Lundsten, P.J., Sherman 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 Philip Brehm, appointed counsel for Adam Raney, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2015-16)<sup>1</sup> and

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

*Anders v. California*, 386 U.S. 738 (1967). Raney was sent a copy of the no-merit report and has not filed a response. Upon consideration of the report and an independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Raney was charged with twenty-five crimes arising out of several alleged incidents, including two bank robberies and a home burglary. The parties entered into a plea agreement. Raney agreed to plead guilty or no contest to the following crimes: two counts of armed robbery with threat of force, one count of terrorist threats, one count of burglary while armed, one count of felony theft, one count of felon in possession of a firearm, one count of identity theft, and one count of unauthorized use of an entity's information. The parties agreed that the remaining counts would be read in for sentencing purposes. They also agreed to a joint sentencing recommendation that Raney's total sentence would be thirty-two and one-half years consisting of twelve and one-half years of initial confinement and twenty years of extended supervision. The circuit court accepted Raney's pleas to the agreed-upon counts and sentenced Raney to a total of sixty-four years consisting of twenty-seven years of initial confinement and thirty-seven years of extended supervision.

The no-merit report addresses whether Raney's pleas were knowing, intelligent, and voluntary. The plea colloquy sufficiently complied with the requirements of WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, relating to the nature of the charges, the rights Raney was waiving, the circuit court's discretion to depart

from the parties' joint sentencing recommendation, and other matters.<sup>2</sup> The record shows no other ground for plea withdrawal. There is no arguable merit to this issue.

The no-merit report addresses whether there was a factual basis for Raney's pleas. Without reciting the extensive allegations and Raney's admissions, we conclude that it would be frivolous to argue that the circuit court failed to satisfy the factual basis requirement.

The no-merit report addresses whether there is any basis to argue that the circuit court erroneously exercised its sentencing discretion. Counsel states that, although he "personally believes" that Raney's sentence was unduly harsh, counsel cannot point to any fact that would demonstrate an erroneous exercise of discretion. We agree with counsel's assessment that there is no objective, non-frivolous basis to challenge the circuit court's exercise of sentencing discretion. The total sentence was within the maximum allowed, and the circuit court discussed the required sentencing factors along with other relevant factors. See *State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. As part of this discussion, the court explained its reasons for rejecting the parties' joint sentencing recommendation.

The no-merit report addresses whether there is arguable merit to claiming a new sentencing factor or ineffective assistance of trial counsel. Based on the information before us, we agree with no-merit counsel's assessment that there is no arguable merit to such claims.

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<sup>2</sup> Counsel appears to assert that the circuit court insufficiently informed Raney regarding the constitutional rights he was waiving. Counsel argues that a challenge to Raney's plea would be frivolous, however, because Raney has not claimed a lack of understanding of those rights. We conclude that the circuit court sufficiently informed Raney regarding his constitutional rights consistent with *State v. Moerderdorfer*, 141 Wis. 2d 823, 826-29, 416 N.W.2d 627 (Ct. App. 1987) and *State v. Hoppe*, 2009 WI 41, ¶¶30-32, 42, 317 Wis. 2d 161, 765 N.W.2d 794.

Our review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment of conviction and order denying postconviction relief are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Philip Brehm is relieved of any further representation of Adam Raney in this matter. *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*