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DISTRICT II

February 27, 2019

To:

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

2018AP1465-CRNM State of Wisconsin v. Michael S. Falbo (L.C. #2015CF887)

Before Reilly, P.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).

Michael S. Falbo appeals from a judgment convicting him of two counts of exposing a child to harmful materials and one count of second-degree sexual assault of a child, all as a repeater. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32

(2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Falbo 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, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. See WIS. STAT. RULE 809.21.

Falbo was convicted following guilty pleas to two counts of exposing a child to harmful materials and one count of second-degree sexual assault of a child, all as a repeater. The charges stemmed from allegations that he sent nude pictures to two underage females and had sexual intercourse with one of them. The circuit court sentenced Falbo to a total of twelve years of initial confinement and eleven years of extended supervision. This no-merit appeal follows.

The no-merit report addresses potential issues of whether an inculpatory statement Falbo gave to police should have been suppressed, whether his pleas were knowingly, voluntarily, and intelligently entered and had a factual basis, and whether the circuit court properly exercised its discretion at sentencing. This court is satisfied that the no-merit report correctly 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 judgment of conviction, and discharges appellate counsel of the obligation to represent Falbo further in this appeal.

Upon the foregoing reasons,

¹ All references to the Wisconsin Statutes are to the 2017-18 version.

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

IT IS FURTHER ORDERED that Attorney Pamela Moorshead is relieved of further representation of Michael S. Falbo 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