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March 15, 2019

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

2017AP433-CRNM State of Wisconsin v. Anthony Wayne Harmon
(L.C. # 2015CF5490)

Before Kessler, P.J., Brennan and Kloppenburg, 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).

Anthony Wayne Harmon appeals a judgment convicting him of four counts of armed robbery and one count of taking and driving a vehicle without consent, as a party to a crime. Attorney George M. Tauscheck was appointed to represent Harmon for postconviction and appellate proceedings. He filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-

18),¹ and *Anders v. California*, 386 U.S. 738 (1967). Harmon received a copy of the report and was advised of his right to file a response, but he has not responded. After considering the report and conducting an independent review of the record, we conclude that there are no issues of arguable merit that could be raised on appeal. *See* WIS. STAT. RULE 809.21. Therefore, we affirm.

The no-merit report first addresses whether there would be arguable merit to a claim that Harmon did not knowingly, intelligently, and voluntarily enter his guilty pleas. The circuit court conducted a thorough colloquy with Harmon, who was sixteen when he committed these offenses but waived into adult court. The circuit court reviewed the elements of the crimes, the potential punishments Harmon faced, and the constitutional and other rights he was waiving by entering the pleas, as required by WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). In addition, Harmon read and discussed the plea questionnaire and waiver of rights form with his counsel, which provided Harmon with the information required by § 971.08. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (the court may rely on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about the rights he or she is waiving). Before Harmon's pleas were accepted, the circuit court ensured that he was knowingly, intelligently, and voluntarily entering his guilty pleas. Therefore, there would be no arguable merit to an appellate challenge to the pleas.

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

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its sentencing discretion when it sentenced Harmon. The circuit court held a lengthy sentencing hearing during which it questioned Harmon in detail about his violent criminal conduct. The circuit court told Harmon his criminal actions could have turned into reckless homicides or worse but for sheer luck. The circuit court then sentenced Harmon to twenty years of imprisonment for each count of armed robbery, with thirteen years of initial confinement and seven years of extended supervision, to be served concurrently. The court also sentenced Harmon to four years of imprisonment for driving a vehicle without consent, with two years of initial confinement and two years of extended supervision, also to be served concurrently. This resulted in an aggregate term of thirteen years of initial confinement and seven years of extended supervision.

The record establishes that the circuit court carefully considered the general objectives of sentencing and applied the sentencing factors based on the circumstances of this case. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (the court must identify the factors it considered and explain how those factors fit the objectives of the sentence and influenced its sentencing decision). The circuit court concluded that while Harmon was young when he committed the crimes and had accepted responsibility, incarceration for a substantial period of time was necessary to protect the public. The circuit court's sentencing decision was reasoned and reasonable. Therefore, there would be no arguable merit to a challenge to the sentence.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the conviction and discharge appellate counsel of the obligation to represent Harmon 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 George M. Tauscheck is relieved from further representing Anthony Wayne Harmon 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