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**DISTRICT III**

May 7, 2019

To:

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Circuit Court Judge  
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Clerk of Circuit Court  
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Department of Justice  
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You are hereby notified that the Court has entered the following opinion and order:

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2018AP242-CRNM      State of Wisconsin v. James J. Baeten (L.C. No. 2015CF1580)

Before Stark, P.J., Hruz and Seidl, 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).**

Counsel for James Baeten has filed a no-merit report concluding there is no basis to challenge Baeten's conviction for his failure to provide information as a sex offender, as a repeater. Baeten was advised of his right to respond and has failed to respond. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we

conclude there is no merit to any issue that could be raised on appeal, and we summarily affirm. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup>

Baeten pleaded no contest to the crime of “sex offender—fail to provide information,” as a repeater, contrary to WIS. STAT. §§ 301.45(2)(g) and 939.62(1)(b). The circuit court imposed and stayed two years of initial confinement and two years of extended supervision, and ordered Baeten placed on three years’ probation with ninety days’ jail as a condition.

The no-merit report addresses potential issues regarding whether Baeten’s plea was knowingly, intelligently, and voluntarily entered; whether the circuit court properly exercised its sentencing discretion; and whether counsel’s performance was ineffective.<sup>2</sup> This court is satisfied that the no-merit report properly analyzes the issues raised, and we will not further discuss them. Our independent review of the record discloses no other potential issues for appeal.<sup>3</sup>

Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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

<sup>2</sup> Entry of a valid no-contest or guilty plea constitutes a waiver of nonjurisdictional defects and defenses. *See State v. Bangert*, 131 Wis. 2d 246, 293, 389 N.W.2d 12 (1986).

<sup>3</sup> We note the COMPAS risk assessment was mentioned at sentencing, but the record shows it was not “determinative” of the sentence imposed. *See State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749. Any challenge to the sentence based on COMPAS would therefore lack arguable merit.

IT IS FURTHER ORDERED that attorney Daniel Goggin II is relieved of further representing James Baeten 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*