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**DISTRICT I**

May 30, 2019

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

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2018AP1631-CRNM      State of Wisconsin v. Andrew A. Freeman (L.C. # 2016CF5691)

Before Brennan, Brash and Dugan, 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).**

Andrew A. Freeman appeals a judgment convicting him of neglecting a child resulting in great bodily harm, as a party to a crime. The charges stem from the death of Freeman's ten-month-old son. Attorney Thomas J. Erickson was appointed to represent Freeman for postconviction and appellate proceedings. He filed a no-merit report pursuant to WIS. STAT.

RULE 809.32 (2017-18),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Freeman 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 Freeman did not knowingly, intelligently, and voluntarily enter his no-contest plea. The circuit court conducted a thorough colloquy with Freeman that complied with WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). In addition, Freeman reviewed and signed a plea questionnaire and waiver-of-rights form, which listed 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). Based on the colloquy and the waiver-of-rights form, there would be no arguable merit to an appellate challenge to his no-contest plea.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its discretion when it sentenced Freeman. The circuit court sentenced Freeman to the maximum prison term of seven years and six months of initial confinement and five years of extended supervision. The court concluded that the maximum sentence was warranted because Freeman's conduct was aggravated. He had been ordered to have no contact

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

with his son due to pending child abuse charges and Freeman's intoxication from smoking cocaine and doing other drugs contributed to the child's death. The record establishes that the circuit court carefully considered the general objectives of sentencing and applied the sentencing factors in light of the facts of this case and addressed them at length in its sentencing decision, reaching a reasonable result. *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 its objectives and influenced its sentencing decision). 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 his obligation to further represent Freeman 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 Thomas J. Erickson is relieved from further representing Andrew A. Freeman in this appeal. *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*