



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

July 24, 2019

To:

Hon. Peter L. Grimm
Circuit Court Judge
Fond du Lac County Courthouse
160 S. Macy St.
Fond du Lac, WI 54935

Ramona Geib
Clerk of Circuit Court
Fond du Lac County Courthouse
160 S. Macy St.
Fond du Lac, WI 54935

Erica L. Bauer
Bauer & Farris, LLC
103 W. College Ave., Ste. 410
Appleton, WI 54911

Eric Toney
District Attorney
Fond du Lac County
160 S. Macy St.
Fond du Lac, WI 54935

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

Tory M. Tuinstra
Racine Youthful Offender Corr. Facility
P.O. Box 2500
Racine, WI 53404-2500

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

2018AP1564-CRNM State of Wisconsin v. Tory M. Tuinstra (L.C. #2017CF469)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

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).

Tory M. Tuinstra appeals from a judgment convicting him of second-degree sexual assault of a child. 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). Tuinstra received a copy of

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

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.

Tuinstra was convicted following a no contest plea to second-degree sexual assault of a child. The charge stemmed from allegations that he had sexual intercourse with a six-year-old girl. The circuit court sentenced him to thirteen years of initial confinement and fifteen years of extended supervision. This no-merit appeal follows.

The no-merit report addresses several potential issues, including whether Tuinstra's plea was validly entered, whether the circuit court properly imposed its sentence, and whether trial counsel was effective. 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 Tuinstra further in this appeal.

Upon the foregoing reasons,

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 Erica L. Bauer is relieved of further representation of Tory M. Tuinstra 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