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DISTRICT II

July 24, 2019

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

2018AP2298-CRNM State of Wisconsin v. Monica W. Meekins-Strong
(L.C. #2015CF297)

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).

Monica W. Meekins-Strong appeals from a judgment convicting her of two counts of misappropriating identity information to obtain money as party to a crime (PTAC) and as a repeater, and from an order denying her motion for postconviction relief. Appointed appellate

counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)[1] and ***Anders v. California***, 386 U.S. 738 (1967). Meekins-Strong has exercised her right to file a response. Upon consideration of the no-merit report, the response, and an independent review of the record as mandated by ***Anders*** and RULE 809.32, we summarily affirm the judgment and order because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Partly aided by video-camera surveillance footage, Meekins-Strong and a companion were identified as the persons who stole a woman's wallet and used it at several establishments. Like her co-actor, Meekins-Strong was charged with one count of theft of movable property <=$2500 and five counts of misappropriating identity information to obtain money. All six counts were charged as PTAC and with a repeater penalty enhancer. She pled guilty to two counts (Counts 2 and 3) of PTAC misappropriating identity information to obtain money as a repeater; the remaining counts were dismissed and read in.

At sentencing, the court found Meekins-Strong not credible. It said that it did not "believe a word" she said, as she had "lied to the police" about her involvement. The court sentenced her on Count 2 to forty-two months' initial confinement plus three years' extended supervision consecutive to the sentence she currently was serving in Indiana. On Count 3, it withheld sentence and placed her on three years' probation consecutive to the Count 2 sentence.

Postconviction, Meekins-Strong moved for sentence modification, citing a new factor—i.e., that when the sentencing court stated that she "lied to the police," it actually relied on

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

inaccurate information, *see* ***State v. Tiepelman***, 2006 WI 66, ¶¶9, 31, 291 Wis. 2d 179, 717 N.W.2d 1, as she had not talked to the police. The court acknowledged its misstatement in a written order. It said that it had intended to say that she lied to the probation officer,[2] which "had the same effect" on its sentencing analysis. The court denied her motion without a hearing. This no-merit appeal followed.

The no-merit report addresses the potential issues of whether Meekins-Strong entered her guilty plea knowingly, voluntarily, and intelligently, and whether there was a factual basis for it; whether there is any arguable merit to a claim challenging the sentence imposed; and whether the court properly exercised its discretion in denying her postconviction motion.

As appellate counsel thoroughly examined each issue, we need address them no further. We concur with counsel's well-reasoned conclusion that potential claims on any of those points would lack arguable merit.

The first issue Meekins-Strong raises in her response involves the sentencing court's statement that she lied to police. She acknowledges that appellate counsel clarified that the court intended to say the PSI probation officer, but complains that the court did not explain what was untruthful in the PSI.

The PSI reveals that Meekins-Strong has twenty prior criminal convictions from four other states dating back to 1984 and has used sixteen different aliases. That lengthy history coupled with her exculpatory version of her involvement in this case reasonably could be seen as

[2] We understand the court to mean the department of corrections officer who authored the PSI.

not meshing with her claim that she accepted responsibility. The court was entitled to believe that she was not truthful with the PSI author. We will not overturn a trial court's credibility determinations. ***State v. Oswald***, 2000 WI App 3, ¶47, 232 Wis. 2d 103, 606 N.W.2d 238 (1999).

Meekins-Strong also asserts that she is entitled to 123 days' sentence credit. She is not. She was serving an Indiana sentence at the time of this sentencing and thus would have been in custody regardless of whether she had committed the Kenosha County crime or not. *See* WIS. STAT. § 973.155(1)(a) ("A convicted offender shall be given credit toward the service of his or her sentence for all days spent in custody in connection with the course of conduct for which sentence was imposed.").

Our review of the record discloses no other potential issues for appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Ellen J. Krahn is relieved from further representing Meekins-Strong 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