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**DISTRICT II**

August 7, 2019

To:

Hon. Gary R. Sharpe  
Circuit Court Judge  
160 S. Macy St.  
Fond du Lac, WI 54935

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

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2019AP704-CRNM      State of Wisconsin v. Kole L. Sims-Miller (L.C. #2018CF97)

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).**

Kole L. Sims-Miller appeals from a judgment convicting him of physical abuse of a child by intentionally causing great bodily harm. His appellate counsel 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).

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

Sims-Miller received a copy of 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.

Sims-Miller was convicted following a no contest plea to physical abuse of a child by intentionally causing great bodily harm. The charge stemmed from an incident in which he broke the femur of his four-month-old daughter. The circuit court sentenced him to twelve years of initial confinement and thirteen years of extended supervision. This no-merit appeal follows.

The no-merit report addresses potential issues of whether Sims-Miller's plea was validly entered and whether the circuit court properly imposed its sentence. 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 Sims-Miller 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 Jefren E. Olsen is relieved of further representation of Kole L. Sims-Miller 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*