



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 III

November 26, 2019

To:

Hon. Jay N. Conley
Circuit Court Judge
Oconto County Courthouse
301 Washington Street
Oconto, WI 54153

Michael C. Hodkiewicz
Clerk of Circuit Court
Oconto County Courthouse
301 Washington Street
Oconto, WI 54153-0078

Edward D. Burke, Jr.
District Attorney
301 Washington Street
Oconto, WI 54153

Ellen J. Krahn
Assistant State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

Justin W. Craig 657802
Oshkosh Correctional Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

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

2018AP42-CRNM State of Wisconsin v. Justin W. Craig (L. C. No. 2017CF9)

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 Justin Craig has filed a no-merit report concluding there is no basis to challenge Craig's conviction for attempted third-degree sexual assault. Craig was advised of his right to respond and has not responded. 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).¹

According to the criminal complaint, police received a report of a fifteen-year-old girl who left home and was reportedly at the Oconto Motel. When officers arrived at the motel, they found thirty-year-old Craig in Room 11 and the juvenile in that room's bathroom. Officers observed a bra and sweatshirt on the motel room floor. The victim told officers she met Craig on an Xbox chat and they had communicated for half a year, culminating in Craig coming from the State of Oregon on a Greyhound bus to meet her.

Craig was charged with child enticement. Craig pleaded to an amended charge of attempted third-degree sexual assault. The parties jointly recommended an imposed and stayed sentence of two years and six months' initial confinement and two years and six months' extended supervision, with three years' probation. The circuit court rejected the probation recommendation and imposed a sentence consisting of two years and six months' initial confinement and two years and six months' extended supervision.

The no-merit report addresses potential issues regarding whether Craig's plea was knowingly, intelligently, and voluntarily entered, and whether the circuit court properly exercised its sentencing discretion. Upon our independent review of the record, we agree with counsel's description, analysis, and conclusion that any challenge to these issues would lack

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

arguable merit, and will not further address them. Our independent review of the record also discloses no other potential issues for appeal.²

Therefore,

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

IT IS FURTHER ORDERED that attorney Ellen Krahn is relieved of further representing Justin Craig in this matter. *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

² 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 merit.