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**DISTRICT II**

December 26, 2019

To:

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

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2019AP1238-CRNM      State of Wisconsin v. Lenzy Hilliard III (L.C. #2017CF33)

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).**

Lenzy Hilliard III appeals from a judgment convicting him after a jury trial of strangulation and suffocation and substantial battery. Hilliard's appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)<sup>1</sup> and *Anders v. California*,

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

386 U.S. 738 (1967). Hilliard was informed of his right to file a response but has not done so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

The victim, RK, and his twenty-eight-year-old former stepdaughter had an arrangement in which he would pay her to allow him to videotape her performing erotic dances for him. On the occasion giving rise to the charges here, she arrived for a “performance” accompanied by Hilliard, her boyfriend. Hilliard grabbed RK by the throat, strangled him to the point of unconsciousness, and beat him about the head, causing two black eyes and a swollen ear and fracturing his jaw and a sinus bone. Hilliard was charged in a two-count information with strangulation and suffocation and substantial battery. A jury found Hilliard guilty on both counts. The court sentenced him to five years on each count: two and one-half years’ initial confinement and two and one-half years’ extended supervision, concurrent, but consecutive to the sentence he already was serving. This no-merit appeal followed.

The no-merit thoroughly and capably examines the potential issues of whether (1) Hilliard’s trial counsel was ineffective under *Strickland v. Washington*, 466 U.S. 668 (1984); (2) sufficient evidence supported the jury’s verdict; (3) there was any evidence of a violation of the court’s witness sequestration order and, if so, whether it prejudiced Hilliard; and (4) the trial court properly exercised its sentencing discretion. As our review of the record satisfies us that the no-merit report properly analyzes these potential issues and concludes they are without merit, we address them no further. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Hilliard further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Nicholas C. Zales is relieved from further representing Hilliard 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*