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**DISTRICT III**

January 22, 2020

To:

Hon. David G. Miron  
Circuit Court Judge  
Marinette County Courthouse  
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Marinette, WI 54143

Sheila Dudka  
Clerk of Circuit Court  
Marinette County Courthouse  
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P.O. Box 200  
Fox Lake, WI 53933-0200

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

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2018AP1797-CRNM      State of Wisconsin v. Keith A. Martin (L. C. No. 2016CF143)

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 Keith Martin filed a no-merit report concluding no grounds exist to challenge Martin's conviction for second-degree sexual assault of a child. Martin was informed of his right to file a response to the no-merit report 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

arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup>

The State charged Martin with sexual assault of a child under the age of sixteen, contrary to WIS. STAT. § 948.02(2). The charge was based on allegations that Martin had sexual contact with then fourteen-year-old Polly.<sup>2</sup> In exchange for Martin's no-contest plea to the crime charged, the State agreed to join in defense counsel's recommendation for two years of initial confinement followed by five years of extended supervision. Out of a maximum possible forty-year sentence, the circuit court imposed a fifteen-year sentence consisting of ten years' initial confinement followed by five years' extended supervision.

The no-merit report addresses whether Martin knowingly, intelligently and voluntarily entered his no-contest plea; whether the circuit court properly exercised its sentencing discretion; and whether there are any grounds to pursue a motion for sentence modification. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that none of these issues has arguable merit. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

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

Therefore,

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

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

IT IS FURTHER ORDERED that attorney Ellen J. Krahn is relieved of her obligation to further represent Keith Martin in this matter. *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*

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<sup>2</sup> Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym instead of the victim's name.