



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 I

January 24, 2020

To:

Hon. Thomas J. McAdams
Circuit Court Judge
Milwaukee County Circuit Court
901 N. 9th St.
Milwaukee, WI 53233

Hon. Mark A. Sanders
Circuit Court Judge
Safety Building, Rm. 620
821 W. State St.
Milwaukee, WI 53233-1427

John Barrett
Clerk of Circuit Court
Room 114
821 W. State Street
Milwaukee, WI 53233

Karen A. Loebel
Deputy District Attorney
821 W. State St.
Milwaukee, WI 53233

Leon W. Todd III
Assistant State Public Defender
735 N. Water St., Ste. 912
Milwaukee, WI 53202-4116

Charles Edward Bell Jr. 202109
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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:

2018AP1850-CRNM State of Wisconsin v. Charles Edward Bell, Jr.
(L.C. # 2015CF1451)

Before Brash, P.J., Kessler and Dugan, 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).

Charles Edward Bell, Jr., appeals the judgment convicting him of second-degree sexual assault of a child. He also appeals the order denying his postconviction motion for sentence

modification based on a new factor.¹ Assistant State Public Defender Leon W. Todd, III, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18) and *Anders v. California*, 386 U.S. 738 (1967).² Bell 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 no-merit report and an independent review of the record as mandated by *Anders*, we conclude that the judgment and order may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

The State filed a criminal complaint charging Bell with one count of first-degree sexual assault of a child. The complaint alleged that on March 31, 2015, the police responded to the residence of the victim's mother. The victim's mother told the police that earlier that day, her ex-boyfriend, Bell, was arrested in her home on an outstanding warrant for a case involving the alleged sexual assault of a child.³

According to the complaint, after learning the reason for Bell's arrest, the victim's mother spoke with the victim. The victim told her mother that she had sexual intercourse with Bell sometime in the beginning of January 2015, when she was thirteen years old. The victim relayed to police that on the day of the assault, she arrived home from school and noticed that her mother was not present. Bell, who occasionally stayed at the house, was there. The victim went to her bedroom and was changing her clothes when Bell entered her room. The victim told the

¹ The Honorable Thomas J. McAdams presided over the plea proceedings and sentenced Bell. The Honorable Mark A. Sanders issued the order denying Bell's postconviction motion.

² All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

³ The allegations that led to Bell's arrest involved a different victim.

police that Bell grabbed her arms and slapped her across the face before pushing her down onto the bed and having sexual intercourse with her. Afterward, Bell told the victim that if she told anyone what had happened, he would kill her mother. The victim said she was terrified and did not tell anyone until she spoke to her mother about the assault on March 31, 2015.

Bell ultimately pled guilty to an amended charge of second-degree sexual assault of a child. Pursuant to the plea agreement, the State agreed to move the circuit court to dismiss and read in the two counts of first-degree sexual assault of child that formed the basis for a separate case against Bell. The State also agreed to recommend a sentence of twenty years of initial confinement and fifteen years of extended supervision.

The circuit court accepted Bell's plea and sentenced him to twenty years of initial confinement and seven and one-half years of extended supervision.

Bell subsequently filed a postconviction motion seeking sentence modification on the basis of a new factor. The alleged new factor was that Bell was a victim of sexual abuse as a child. The postconviction court denied the motion.

The no-merit report addresses the potential issues of whether Bell's plea was knowingly, intelligently, and voluntarily entered, whether the sentence was the result of an erroneous exercise of discretion, and whether the circuit court erred when it denied Bell's postconviction motion for sentence modification. This court is satisfied that the no-merit report properly 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 and the order, and discharges appellate counsel of the obligation to represent Bell further in this appeal.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Leon W. Todd, III, is relieved of further representation of Bell 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