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DISTRICT III

April 28, 2020

To:

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

2018AP1753-CRNM State of Wisconsin v. Brian J. Corn (L. C. No. 2017CF101)

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).

Brian Corn appeals from a judgment convicting him, based upon a no-contest plea, of causing injury by intoxicated operation of a motor vehicle (OWI), as a second offense. Attorney Jeremy Newman has filed a no-merit report. *See* WIS. STAT. RULE 809.32 (2017-18);¹ *Anders v.*

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

California, 386 U.S. 738, 744 (1967). Newman has subsequently been substituted as Corn's counsel by attorney Thomas Aquino, who has not withdrawn the no-merit report. The report sets forth the procedural history of the case and addresses Corn's plea and sentence. Corn was advised of his right to file a response, but he has not done so. Having independently reviewed the entire record, as well as the no-merit report, we conclude that Corn's counsel may be allowed to withdraw and the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

The State charged Corn with two felonies and a misdemeanor arising out of a traffic accident involving three vehicles. Witnesses observed Corn's vehicle hit another vehicle after failing to yield while turning at a stop sign. One of other drivers was pinned in her vehicle and suffered a punctured lung and injured ankle. Corn admitted that he had been drinking before the accident. Corn entered a no-contest plea to a felony OWI charge in exchange for the dismissal of the other two charges. The circuit court accepted the plea after reviewing a plea questionnaire submitted by Corn and conducting a plea colloquy. The court sentenced Corn to one year of initial confinement and three years' extended supervision.

We agree with counsel's description, analysis and conclusion that any challenge to the plea and sentence would lack arguable merit. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Accordingly,

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

IT IS FURTHER ORDERED that attorney Thomas Aquino is relieved of any further representation of Brian Corn this matter pursuant to 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