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DISTRICT III

April 28, 2020

To:

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William M. Knutson
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You are hereby notified that the Court has entered the following opinion and order:

2018AP1655-CRNM State of Wisconsin v. William M. Knutson (L.C. No. 2017CF457)

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).

William Knutson appeals from a judgment convicting him, based upon his guilty pleas, of substantial battery and disorderly conduct. Attorney Diane Lowe has filed a no-merit report seeking to withdraw as appellate counsel. *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). The no-merit report sets forth the procedural history of the case and addresses Knutson's pleas and potential sentencing issues. Knutson was advised of his right to respond to the no-merit report, but he has not done so. Having independently reviewed the entire record, as well as the no-merit report, we conclude that counsel may be allowed to withdraw, and the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

The State charged Knutson with two felonies and three misdemeanors arising out of a domestic abuse incident. The victim was found unresponsive and was later treated at a hospital for a broken collarbone, a torn ear, and several bite marks that left scars. The victim reported that Knutson had strangled her during an argument that turned physical. Knutson acknowledged to police that he had grabbed the victim by the ear because he felt she was not listening to him, pinned her down, and held her throat.

Knutson entered guilty pleas to one felony count of substantial battery with intent to cause bodily harm resulting in the infliction of physical pain or injury, and to one misdemeanor count of disorderly conduct, each as an act of domestic abuse. In exchange, the State moved to dismiss the other three charges and recommended a three-year term of probation with one year of conditional jail time on the battery charge, and a concurrent probation term on the disorderly conduct charge.

After reviewing Knutson's plea questionnaire and conducting a plea colloquy to ascertain that Knutson understood the nature and potential punishments of the charges and the constitutional rights he would be waiving, and further verifying that the facts in the complaint supported the charges, the circuit court accepted the pleas. The court then heard from the parties

and the victim, withheld sentence, and imposed a three-year term of probation with nine months of conditional jail time on the battery count, and a concurrent one-year term of probation on the disorderly conduct count.

We agree with counsel's description, analysis and conclusion that any challenge to Knutson's pleas and terms of probation would lack arguable merit. Our independent review of the record discloses no other potential issues for appeal. Additionally, there is no factual basis to consider any issues outside of the record given, Knutson's lack of response to the no-merit report and counsel's representation that her own investigation revealed no grounds for relief. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

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

IT IS FURTHER ORDERED that attorney Diane Lowe is relieved of further representing William Knutson 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