



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](http://www.wicourts.gov)

**DISTRICT III**

May 5, 2020

To:

Hon. D. T. Ehlers  
Circuit Court Judge  
Door County Justice Center  
1209 S. Duluth Ave.  
Sturgeon Bay, WI 54235

Connie Defere  
Clerk of Circuit Court  
Door County Justice Center  
1205 S. Duluth Ave.  
Sturgeon Bay, WI 54235

Daniel Goggin II  
Goggin & Goggin  
P.O. Box 646  
Neenah, WI 54957-0646

Colleen Catherine Nordin  
District Attorney  
1215 S. Duluth Ave.  
Sturgeon Bay, WI 54235

Criminal Appeals Unit  
Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857

Mark E. Huebner  
8110 Guy Street  
Baileys Harbor, WI 54202

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

---

2018AP2333-CRNM      State of Wisconsin v. Mark E. Huebner (L. C. No. 2017CF88)

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 Mark Huebner has filed a no-merit report concluding there is no basis to challenge Huebner's conviction for two counts of delivery of narcotics. Huebner was advised of his right to respond 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 merit to any

issue that could be raised on appeal, and we summarily affirm. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup>

Huebner was charged with three felony counts of delivery of narcotics following controlled buys with a confidential informant. Huebner pleaded no contest to two counts, and the third count was dismissed and read in. The circuit court withheld sentence for each count and ordered four years' probation and twelve months' conditional jail time, with four months' stayed, concurrently.

The no-merit report addresses whether Huebner's pleas were knowingly, voluntarily, and intelligently entered; whether Huebner's trial counsel's representation was ineffective regarding discovery, plea negotiations, or sentencing arguments; whether the circuit court properly exercised its sentencing discretion; and whether a new factor exists justifying sentence modification. Upon our independent review of the record, we agree with counsel's description, analysis, and conclusion that any challenges to the issues raised in the no-merit report would lack arguable merit, and we will not further address them.

Our independent review of the record discloses no other potential issues for appeal.<sup>2</sup>

Therefore,

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

---

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

<sup>2</sup> We note that the COMPAS risk assessment was mentioned during sentencing, but the record shows COMPAS was not determinative of the sentence imposed by the circuit court. *See State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749. Any challenge to the sentence based on COMPAS would therefore lack arguable merit.

IT IS FURTHER ORDERED that attorney Daniel Goggin II is relieved of his obligation to further represent Huebner 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*