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DISTRICT III

May 5, 2020

To:

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

2018AP2071-CRNM State of Wisconsin v. George C. Welch (L. C. No. 2017CF210)

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 George Welch has filed a no-merit report concluding there is no basis to challenge Welch's conviction for substantial battery, domestic abuse—impairment of physical condition. Welch 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).¹

According to the criminal complaint, the victim met with police and reported “numerous incidents that occurred since 2013 that had not been reported.” The victim and Welch were in a long-term relationship. The victim provided police with hospital and doctors’ records, together with photographs, that documented numerous injuries spanning years, including: an injured collar bone that required surgery; multiple perforated ear membranes from being struck in the head that caused moderate to severe hearing loss; injured ribs; a hip fracture that required surgery; and spinal fractures. The victim reported that Welch broke his own hand after hitting her on the head. She initially told medical professionals the injuries were caused by accidents around the home, but when she eventually went to the police she explained these injuries were in fact caused by beatings received from Welch.

Welch pleaded guilty to one count of substantial battery, domestic abuse—impairment of physical condition. As part of a plea agreement, three additional counts of substantial battery were dismissed and read in, along with one count of misdemeanor battery. The circuit court also dismissed and read in two other Dunn County cases involving Welch, and it dismissed outright a third case.² The court withheld sentence and imposed three years’ probation with three months’ conditional jail time.

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

² The record on appeal does not reflect the number or nature of the charges in the other cases dismissed as part of the agreement.

The no-merit report addresses whether Welch’s plea was knowingly, voluntarily, and intelligently entered and whether the circuit court properly exercised its sentencing discretion. 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.³

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

Therefore,

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

IT IS FURTHER ORDERED that attorney Susan Alesia is relieved of her obligation to further represent George Welch 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

³ The circuit court failed to personally advise Welch of the potential deportation consequences of his plea, as mandated by WIS. STAT. § 971.08(1)(c). However, the no-merit report represents that the risk of deportation did not apply to Welch, and Welch has not replied to the no-merit report to dispute that assertion. No arguable issue therefore arises from the court’s failure regarding the deportation consequences. We also 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.