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DISTRICT III

May 27, 2020

To:

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

2018AP2208-CRNM State of Wisconsin v. Jesse A. Henson (L. C. No. 2015CF265)

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).

Jesse Henson appeals from an amended judgment, entered upon a guilty plea, convicting him of first-degree sexual assault of a child under the age of thirteen. Attorney Jefren Olsen has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32

(2017-18).¹ The no-merit report sets forth the procedural history of the case and addresses Henson's plea and sentence. Henson 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 mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that counsel shall be allowed to withdraw and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

The State charged Henson with four felonies based on allegations that he had sexually assaulted two children over a period of several years. After a court-ordered evaluation determined that Henson's schizoaffective disorder and other mental health issues did not render him incompetent to stand trial, Henson pleaded guilty to a single count of first-degree sexual assault of a child under the age of thirteen. In exchange, the State moved to dismiss and read in the other three charges and to request a presentence investigation report (PSI).

The circuit court accepted Henson's plea after reviewing a signed plea questionnaire with attached jury instructions and conducting a plea colloquy. The court subsequently ordered a PSI and heard from the parties on sentencing. The court then sentenced Henson to thirty years' initial confinement and fifteen years' extended supervision.

We agree with counsel's description, analysis and conclusion that any challenge to the plea or sentence 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 Henson's lack of response to the no-merit report. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*.

¹ All further references in this order to the Wisconsin Statutes are to the 2017-18 version, unless otherwise noted.

Upon the foregoing,

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

IT IS FURTHER ORDERED that attorney Jefren Olsen is relieved of any further representation of Jesse Henson in 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