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DISTRICT II

September 16, 2020

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

2020AP958-CRNM State of Wisconsin v. Ellen M. Neumann (L.C. #2017CF471)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

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).

Ellen M. Neumann appeals from a judgment convicting her of two counts of neglecting a child resulting in great bodily harm. Her appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738 (1967). Neumann

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

received a copy of the report, was advised of her right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Neumann was convicted following *Alford*² pleas to two counts of neglecting a child resulting in great bodily harm. The charges stemmed from allegations that she failed to care for her young daughter, who was sexually assaulted by two men that Neumann knew. Two additional offenses were dismissed and read in.³ The circuit court imposed an aggregate sentence of ten years of initial confinement and five years of extended supervision. This no-merit appeal follows.

The no-merit report addresses potential issues of (1) whether Neumann's pleas were validly entered and had strong evidence of guilt to support them, (2) whether the circuit court properly exercised its discretion at sentencing, and (3) whether trial counsel was effective. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and this court will not discuss them further.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Neumann further in this appeal.

Upon the foregoing reasons,

² *See North Carolina v. Alford*, 400 U.S. 25 (1970).

³ The dismissed and read-in offenses were (1) first-degree sexual assault of a child as a party to a crime, and (2) causing a child to view/listen to sexual activity.

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Daniel Goggin, II, is relieved of further representation of Ellen M. Neumann in this appeal. *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