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**DISTRICT II**

November 11, 2020

To:

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Heather A. Ahles  
321 E. Kalb Ave.  
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You are hereby notified that the Court has entered the following opinion and order:

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2020AP522-CRNM      State of Wisconsin v. Heather A. Ahles (L.C. #2016CF65)

Before Reilly, P.J., Gundrum and Davis, 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).**

Heather A. Ahles appeals from a judgment convicting her of two counts of battery to a law enforcement officer. Her appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Ahles received a copy

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

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.

Ahles was accused of attacking two police officers who were investigating a disturbance and report of erratic driving.<sup>2</sup> She entered pleas of no contest and not guilty by reason of mental disease or defect (NGI). After the circuit court accepted the no contest pleas, Ahles waived her jury trial rights in favor of a court trial to determine her mental responsibility. The circuit court ultimately found that despite her mental illness, Ahles was culpable for the crimes. At sentencing, Ahles moved for new counsel, which the court denied. It then imposed an aggregate sentence of one year, six months of initial confinement and three years of extended supervision.

The no-merit report addresses potential issues of (1) whether Ahles' no contest pleas were validly entered; (2) whether the circuit court's determination of Ahles' mental responsibility was supported by sufficient evidence; (3) whether trial counsel was effective; (4) whether the court properly denied Ahles' request for new counsel; and (5) whether the court properly exercised its discretion at sentencing. This court is satisfied that the no-merit report

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<sup>2</sup> According to the complaint, Ahles bit one officer and repeatedly punched, elbowed, and pulled the hair of another officer, causing that officer to lose a large chunk of hair from her scalp.

correctly analyzes the issues it raises as without merit, and this court will not discuss them further.<sup>3</sup>

Our review of the record discloses no other potential issues for appeal.<sup>4</sup> Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Ahles further in this appeal.

Upon the foregoing reasons,

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 Heather A. Ahles in this appeal. *See* WIS. STAT. RULE 809.32(3).

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<sup>3</sup> There are two exceptions to this. During the plea colloquy, the circuit court failed to provide the deportation warning required by WIS. STAT. § 971.08(1)(c). This failure does not present a potentially meritorious issue for appeal, as there is no indication that Ahles' pleas are likely to result in her deportation, exclusion from admission to this country, or denial of naturalization. The court also failed to advise Ahles that it was not bound by the State's sentence recommendation. *See State v. Hampton*, 2004 WI 107, ¶¶32, 38, 274 Wis. 2d 379, 683 N.W.2d 14. This too is inconsequential, as the court gave Ahles a shorter sentence than the State had recommended.

<sup>4</sup> While represented by counsel, Ahles filed a pro se petition for sentence adjustment. The circuit court denied it as not in the public interest. The record supports the court's determination.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*