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**DISTRICT I**

January 20, 2021

To:

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

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2020AP1541-CRNM      State of Wisconsin v. Steven Michael Carney  
(L.C. # 2019CF3850)

Before Dugan, Donald and White, 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).**

Steven Michael Carney appeals from a judgment of conviction for felony bail jumping. His appellate counsel has 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). Carney received a copy of the report, was advised

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

of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, as mandated by *Anders*, the judgment is summarily affirmed because we conclude that there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Carney was found by police at the South Milwaukee Water Filtration Plant, a facility surrounded by fencing and accessible only to authorized personnel. Later, a worker from the facility found two broken windows at the facility. Surveillance video showed that Carney was the only individual inside the secure area of the facility that night. At the time, Carney was on bail in two separate Waukesha County felony cases each with a bond condition that he commit no new crimes. Carney was charged with misdemeanor criminal damage to property and two counts of felony bail jumping. Pursuant to a plea agreement, Carney pled guilty to one count of felony bail jumping and the other charges were dismissed as read-ins at sentencing. The prosecution agreed to recommend a sentence of two years initial confinement and two years of extended supervision imposed and stayed in favor of three years of probation with three months of conditional jail time. The prosecutor made the promised recommendation at sentencing. Carney was sentenced to two years of initial confinement and two years of extended supervision and ordered to pay \$600 restitution for the broken windows. The sentencing court indicated that after serving one year of initial confinement, Carney would be eligible for the Substance Abuse Program.

The no-merit report addresses the potential issues of whether Carney's plea was knowingly, voluntarily, and intelligently entered and whether the sentence was the result of an erroneous exercise of discretion or otherwise unduly harsh or excessive. This court is satisfied that the no-

merit report properly analyzes the issues it raises as being without merit, and this court will not discuss them further.<sup>2</sup>

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

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Thomas J. Erickson is relieved from further representing Steven Michael Carney in this appeal. *See* WIS. STAT. RULE 809.32(3).

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*

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<sup>2</sup> The elements of the offense were not recited on the record; the circuit court merely asked trial counsel whether he was satisfied that Carney understood the elements of the offense. Although a statement from defense counsel that the elements were reviewed, without some summary of the elements or detailed description of the conversation, may not be a sufficient colloquy for the circuit court to ascertain Carney's understanding of the elements, *see State v. Brown*, 2006 WI 100, ¶58, 293 Wis. 2d 594, 716 N.W.2d 906, the record includes the appropriate jury instruction with Carney's initials on each element demonstrating that he read the elements of the offense.