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**DISTRICT III**

March 2, 2021

To:

Hon. David L. Weber  
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Stanley, WI 54768

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

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2019AP2247-CRNM      State of Wisconsin v. Brian J. Somers (L. C. No. 2018CF99)

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).**

Attorney Timothy O'Connell, appointed counsel for Brian Somers, 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). Counsel provided Somers with a copy of the report, and both counsel and this court

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

advised him of his right to file a response. Somers has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Somers pled guilty to one count of first-degree sexual assault of a child. The circuit court imposed a sentence of twelve years' initial confinement and fifteen years' extended supervision.

The no-merit report addresses whether Somers' plea was entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Somers was waiving, and other required matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report also addresses whether the circuit court erroneously exercised its sentencing discretion. The court imposed the jointly recommended sentence. The sentence is within the legal maximum. Beyond that, there is no arguable merit to this issue because a defendant may not challenge a sentence that he or she requested. *See State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989).

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

Therefore,

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

IT IS FURTHER ORDERED that attorney Timothy O'Connell is relieved of further representation of Brian Somers in this matter. *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*