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DISTRICT I

March 9, 2021

To:

Hon. Joseph R. Wall
Circuit Court Judge

John Barrett
Clerk of Circuit Court

Elizabeth A. Longo

Jay R. Pucek

Criminal Appeals Unit

Matthew Cullen-Williams 676281

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

2020AP1966-CRNM	State of Wisconsin v. Matthew Cullen-Williams (L.C. # 2018CF1681)
2020AP1967-CRNM	State of Wisconsin v. Matthew Cullen-Williams (L.C. # 2018CF3779)

Before Brash, P.J., Dugan and Donald, 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).

Matthew Cullen-Williams appeals from judgments of conviction for possession of child pornography, stalking a victim under age eighteen, posting or publishing a sexually explicit image without consent, and two counts of threatening to communicate derogatory information. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738 (1967). Cullen-Williams received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of

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

the report and an independent review of the records, as mandated by *Anders*, the judgments are 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.

Creating and using multiple on-line profiles, Cullen-Williams obtained nude photographs of C.D., a fellow high school student and friend. Over a number of years, C.D. was subjected to harassment and received anonymous text messages from numerous fake numbers telling C.D. what to do in order to avoid having the nude photos distributed. The IP addresses for the messages harassing C.D. were linked to Cullen-Williams. For his conduct directed at C.D., Cullen-Williams was charged with possession of child pornography, threatening to communicate derogatory information, stalking a victim under age eighteen, and posting or publishing a sexually explicit image without consent. Four months later, in a separate case, Cullen-Williams was charged with threatening to communicate derogatory information for similar conduct he engaged in directed at another person, J.S., also a high school friend of Cullen-Williams.

Shortly after he was charged in the first case, Cullen-Williams's competency to proceed was evaluated. After a contested hearing at which only the examining psychologist testified, Cullen-Williams was found competent to proceed. Within eight months of the original charges, Cullen-Williams decided to plead guilty to the charges. The prosecution was free to argue at sentencing and agreed to not issue any further charges.

On the day of sentencing, Cullen-Williams was unavailable as he had checked himself into a psychiatric hospital. Cullen-Williams was evaluated a second time regarding his competency to proceed. He was again found competent to proceed, and he did not challenge the finding.

Cullen-Williams was sentenced to consecutive terms on the possession of child pornography and the two threatening to communicate derogatory information convictions. Those terms totaled three years of initial confinement and six years of extended supervision. A concurrent term of nine months in the House of Correction was imposed on the posting or publishing a sexually explicit image without consent conviction. A six-year consecutive sentence was imposed on the stalking conviction but that sentence was stayed in favor of three years of probation.

The no-merit report addresses the potential issues of whether the finding that Cullen-Williams was competent to proceed was error;² whether Cullen-Williams's plea was knowingly, voluntarily, and intelligently entered and supported by a factual basis; and whether the sentences were the result of an erroneous exercise of discretion, unduly harsh or excessive, based on inaccurate information, or otherwise subject to modification based on a new factor. 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.

Our review of the records discloses no other potential meritorious issues for appeal. Accordingly, this court accepts the no-merit report, affirms the convictions, and discharges appellate counsel of the obligation to represent Cullen-Williams further in these appeals.

Upon the foregoing reasons,

² In *State v. Scott*, 2018 WI 74, ¶34, 382 Wis. 2d 476, 914 N.W.2d 141, the Wisconsin Supreme Court held that an order regarding competency of a criminal defendant is a final order in a special proceeding and is appealable as of right. The finding that Cullen-Williams was competent to proceed predated the *Scott* holding. There is no arguable merit to a claim that trial counsel should have appealed the competency finding.

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

IT IS FURTHER ORDERED that Attorney Jay R. Pucek is relieved from further representing Matthew Cullen-Williams in these appeals. *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