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DISTRICT I

March 9, 2021

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

2020AP1532-CRNM State of Wisconsin v. Daryl B. Gholson (L.C. # 2019CF1622)

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).

Daryl B. Gholson appeals from a judgment of conviction for second-degree sexual assault of a child under sixteen. 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). Gholson

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

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 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.

The nine-year-old granddaughter of Gholson's girlfriend reported that Gholson had come into her room in the middle of the night, pulled back the bed covers, and very briefly rubbed her vaginal area over her underwear. Gholson was charged with first-degree sexual assault of a child under thirteen. Gholson entered a guilty plea to the reduced charge of second-degree sexual assault of a child under sixteen. As part of the plea agreement, the prosecution agreed to recommend a short prison sentence. At sentencing, the prosecutor did not recommend any specific length of time for the sentence but only that a prison sentence was appropriate. Gholson was sentenced to three years of initial confinement and six years of extended supervision.

The no-merit report addresses the potential issues of whether under the strictures of *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986) and WIS. STAT. § 971.08(1), Gholson's plea was knowingly, voluntarily, and intelligently entered and whether the sentence was the result of an erroneous exercise of discretion. 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 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 Gholson 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 Carl W. Chesshir is relieved from further representing Daryl B. Gholson 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