



have independently reviewed the record and no-merit report as mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We, therefore, summarily affirm.

In a criminal complaint filed on January 4, 2019, the State charged Harvey with one count of second-degree sexual assault of a child. The complaint alleged that Harvey engaged in sexual intercourse with fifteen-year-old A.C. and provided her with drugs in exchange for sex. Results from a sexual assault treatment exam indicated that Harvey's DNA was found on vaginal swabs taken from A.C. The complaint further alleges that Harvey, then twenty-seven years old, acknowledged that he knew A.C. and had sex with her.

On September 26, 2019, pursuant to a plea agreement, Harvey signed a plea questionnaire/waiver of rights form. The plea agreement called for the State to recommend a sentence of three years of initial confinement and five years of extended supervision, consecutive to his revocation sentence.

At the plea hearing, the circuit court conducted a plea colloquy and accepted Harvey's guilty plea. The circuit court rejected the State's sentencing recommendation and sentenced Harvey to seven years of initial confinement and three years of extended supervision, consecutive to his revocation sentence.

The no-merit report addresses two potential issues: (1) whether Harvey's guilty plea was knowing, voluntary, and intelligent; and (2) whether the circuit court properly exercised its discretion during sentencing.

Our review of the record—including the plea questionnaire and waiver of rights form, the addendum, the jury instructions that were signed by Harvey, and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. These obligations exist specifically to help ensure the validity of any plea. We thus agree with appellate counsel’s conclusion in the no-merit report that there is no arguable merit to seeking plea withdrawal based on a claim that Harvey’s pleas were anything other than knowing, intelligent, and voluntary.

With regard to the circuit court’s sentencing decision, we note that sentencing is a matter for the circuit court’s discretion. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others. See *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. It must also determine which objective or objectives are of greatest importance. See *Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the circuit court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, and it may consider additional factors. See *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the circuit court’s discretion. See *id.*

Our review of the record confirms that the circuit court appropriately considered relevant sentencing objectives and factors. The circuit court explained its reasons for rejecting the State’s sentencing recommendation. The resulting ten year sentence is well within the potential maximum authorized by law, see *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622

N.W.2d 449, and is not so excessive so as to shock the public's sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

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

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney George Tauscheck is relieved of further representation of Harvey 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*