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DISTRICT III

August 31, 2021

To:

Hon. Kelly J. Thimm
Circuit Court Judge
Electronic Notice

Michele Wick
Clerk of Circuit Court
Douglas County
Electronic Notice

Mark A. Fruehauf
Electronic Notice

Leonard D. Kachinsky
Electronic Notice

Anthony Philip Bunnell 372107
Jackson Correctional Inst.
P.O. Box 233
Black River Falls, WI 54615-0233

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

2019AP294-CRNM State of Wisconsin v. Anthony Philip Bunnell
(L. C. No. 2016CF274)

Before Stark, P.J., Hruz and Gill, 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).

Anthony Bunnell appeals from a judgment convicting him of sexual assault of a child. Attorney Leonard Kachinsky has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2019-20).¹ The no-merit report sets forth the procedural history of the case and addresses Bunnell's plea and sentence. Bunnell was advised of his right to respond to the no-merit report, but he has not done so. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

counsel will be allowed to withdraw and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

The State charged Bunnell with first-degree sexual assault of a child by sexual contact with a person under the age of thirteen, as a repeat offender, based upon delayed-reporting allegations that Bunnell had molested his former girlfriend's son when the child was seven or eight years old. Bunnell pleaded guilty to the sexual assault charge in exchange for the State's recommendation to dismiss the repeater allegation and to dismiss another case. In addition, the State agreed to cap its sentence recommendation at twenty years' initial confinement and twenty years' extended supervision, with the defense free to argue at sentencing. The circuit court accepted the plea after reviewing a plea questionnaire and waiver of rights form submitted by Bunnell and conducting a plea colloquy. The court ordered a presentence investigation report and subsequently sentenced Bunnell to twenty years' initial confinement and twenty years' extended supervision, as recommended by the State.

We agree with counsel's description, analysis and conclusion that any challenge to the plea and sentence would lack arguable merit. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Leonard Kachinsky is relieved of further representing Anthony Bunnell in this matter. *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