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DISTRICT III

September 28, 2021

To:

Hon. Robert E. Eaton
Circuit Court Judge
Electronic Notice

Sandra Paitl
Clerk of Circuit Court
Ashland County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Roberta A. Heckes
Electronic Notice

Ruth D. Kressel
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Timothy L. Hanson, Jr. 666095
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:

| | |
|----------------|--|
| 2019AP455-CRNM | State of Wisconsin v. Timothy L. Hanson, Jr. |
| 2019AP466-CRNM | (L. C. Nos. 2017CF190, 2017CF72) |

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).

Counsel for Timothy Hanson, Jr., filed a no-merit report concluding no grounds exist to challenge Hanson's convictions for repeated sexual assault of a child; first-degree sexual assault of a child under the age of thirteen; and causing a child to expose her pubic area, with the first two offenses requiring lifetime supervision as a serious sex offender. Hanson was informed of his right to respond to the no-merit report and he has not responded. Upon our independent review of the records as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no

arguable merit to any issue that could be raised on appeal. Therefore, the judgments of conviction are summarily affirmed. *See* WIS. STAT. RULE 809.21 (2019-20).¹

In Bayfield County case No. 2017CF72, the State charged Hanson with one count of repeated sexual assault of a child, with the State seeking lifetime supervision as a serious sex offender. The charge arose from conduct alleged to have occurred with Susan² from April 1, 2014, through June 1, 2017, when Susan was between seven and ten years old. In Ashland County case No. 2017CF190, the State charged Hanson with two counts of first-degree sexual assault of a child under the age of thirteen; two counts of child enticement; and two counts of causing a child to expose her pubic area, the first four charges seeking lifetime supervision as a serious sex offender. Those charges arose from conduct alleged to have occurred with Susan on July 8 and July 9, 2017.

With his respective attorneys in both cases, Hanson entered into plea agreements that were accepted during one proceeding held in Bayfield County and presided over by an Ashland County judge. In exchange for his no-contest pleas to repeated sexual assault of a child, one count of first-degree sexual assault of a child and one count of causing a child to expose her pubic area (the first two offenses subject to lifetime supervision as a serious sex offender), the State agreed to recommend that the circuit court dismiss and read in the remaining charges. The parties jointly recommended a presentence investigation report, but they remained free to argue “all aspects of sentencing.” The State also agreed to recommend that any Bayfield County sentence be concurrent to other sentences, and that any sentences in the Ashland County case be concurrent to each other.

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

² Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym instead of the victim’s name.

Out of a maximum possible sentence of 123.5 years, the court imposed concurrent sentences resulting in an aggregate forty-year term consisting of twenty years' initial confinement and twenty years' extended supervision.

The record reflects that at both the plea and sentencing hearings, Hanson, who is hearing impaired, had a computer monitor to accommodate his disability. Hanson acknowledged that he could read the words on the monitor and that he understood the proceedings. Defense counsel confirmed that the monitor provided a real-time record of what was being said in the courtroom.

The no-merit report addresses whether Hanson knowingly, intelligently and voluntarily entered his no-contest pleas; whether the circuit court properly exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Hanson's trial attorneys. Upon reviewing the records, we agree with counsel's analysis and conclusion that there is no arguable merit to any of these issues. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further. Our independent review of the records discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgments are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Roberta A. Heckes is relieved of her obligation to further represent Timothy Hanson, Jr., in these matters. *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