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DISTRICT IV

January 13, 2022

To:

Hon. Robert F. Dehring
Circuit Court Judge
Electronic Notice

Cindy Hamre Incha
Clerk of Circuit Court
Jefferson County Courthouse
Electronic Notice

Theresa A. Beck
Electronic Notice

Winn S. Collins
Electronic Notice

Vicki Zick
Electronic Notice

Adriane L. Harris
7933 Tree Lane, Apt. 409
Madison, WI 53717

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

2020AP1755-CRNM State of Wisconsin v. Adriane L. Harris (L.C. # 2019CF262)

Before Blanchard, P.J., Graham, and Nashold, 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).

Attorney Vicki Zick, appointed counsel for Adriane Harris, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Harris was sent a copy of the report and has not filed a response. Upon consideration of the report and an independent review of the record, we

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

conclude that there is no arguable merit to any issue that could be pursued on appeal. Accordingly, we affirm.

Harris was charged with one count of felony failure to report for a jail sentence. A jury found Harris guilty. The circuit court sentenced Harris to thirty days in jail.

The no-merit report addresses whether there is arguable merit to challenging the sufficiency of the evidence. We agree with counsel that there is no arguable merit to this issue. We will not overturn a conviction “unless the evidence, viewed most favorably to the state and the conviction, is so insufficient in probative value and force that it can be said as a matter of law that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *See State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Without reciting all of the evidence here, we are satisfied that it was sufficient.

The no-merit report also addresses whether there is arguable merit to pursuing issues related to the preliminary hearing and jury selection. We are satisfied that the no-merit report properly analyzes these issues as having no arguable merit. Our review of the record discloses no other issues of arguable merit with respect to events before or during trial, including any issue relating to opening statements, the circuit court’s evidentiary rulings, Harris’s decision not to testify, jury instructions, and closing arguments.

We turn to sentencing. The no-merit report raises two possible sentencing issues: (1) whether the circuit court erred by refusing to place Harris on home detention based on a general policy, and (2) whether the court erred by ordering that Harris would serve eleven additional days of jail time if she did not either pay court costs or set up and adhere to a payment plan within sixty days. We agree with counsel that these potential issues are moot and that, as a

result, they do not provide a basis for further appellate proceedings. Harris commenced serving her thirty-day jail sentence immediately after she was sentenced, and the sentence was not consecutive to any other sentence. Accordingly, resolving the potential issues that counsel raises would have no practical effect on Harris’s sentence or custody status. *See State v. Walker*, 2008 WI 34, ¶14, 308 Wis. 2d 666, 747 N.W.2d 673 (issue relating to reconfinement hearing was moot because the defendant had completed the reconfinement term); *State v. Barfell*, 2010 WI App 61, ¶9, 324 Wis. 2d 374, 782 N.W.2d 437 (issue is moot when “[n]othing we order can have any practical legal effect”). We see no other arguable basis for Harris to challenge her sentence.

Our review of the record discloses no other potential issues.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of any further representation of Adriane Harris 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