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DISTRICT III

January 25, 2022

To:

Hon. Gregory J. Strasser
Circuit Court Judge
Electronic Notice

Shirley Lang
Clerk of Circuit Court
Marathon County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Suzanne L. Hagopian
Electronic Notice

Theresa Wetzsteon
Electronic Notice

Carrington D. Franklin 601306
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2019AP1635-CRNM State of Wisconsin v. Carrington D. Franklin
(L. C. No. 2018CF173)

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 Carrington Franklin has filed a no-merit report concluding no grounds exist to challenge Franklin's convictions for burglary with the intent to commit battery, substantial battery, strangulation and suffocation, felony intimidation of a victim, disorderly conduct, misdemeanor battery, and second-degree reckless endangerment, all seven counts as incidents of domestic abuse, and the first six counts as a repeater. Franklin was informed of his right to file a response to the no-merit report, and he has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), this court concludes there is

no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21 (2019-20).¹

An amended Information charged Franklin with attempted first-degree intentional homicide, burglary with the intent to commit battery, substantial battery, strangulation and suffocation, felony intimidation of a victim, disorderly conduct, misdemeanor battery, and second-degree reckless endangerment, all eight counts as incidents of domestic abuse, and all but the second-degree reckless endangerment count as a repeater. The charges arose from allegations that Franklin forced entry into the home of a former girlfriend, Melissa,² and physically assaulted her, including punching her, hitting her head against a wall and strangling her to the point of her losing consciousness. According to the complaint, Melissa suffered numerous injuries and trauma to her head. The State further alleged that when Franklin heard law enforcement responding to the scene, he told Melissa to change her blood-stained clothes and to tell the police that “nothing happened and he had nothing to do with it.”

In exchange for his no-contest pleas to all but the attempted homicide count, the State agreed to recommend that the circuit court dismiss and read in that count. The parties remained free to argue at sentencing. Out of a maximum possible sentence of sixty-six and one-half years, the court imposed consecutive and concurrent sentences resulting in an aggregate thirty-seven-year term, consisting of twenty years’ initial confinement followed by seventeen years’ extended supervision. In imposing the sentence, the court considered the proper

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.

sentencing factors, *see State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197, emphasizing the “prolonged” and “vicious” nature of the attack.

The no-merit report addresses whether Franklin knowingly, intelligently and voluntarily entered his no-contest pleas and whether the circuit court erroneously exercised its sentencing discretion. Upon reviewing the record, we agree with counsel’s analysis and conclusion that there is no arguable merit to either 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 record discloses no other potential issue for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Suzanne L. Hagopian is relieved of her obligation to further represent Carrington Franklin 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