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DISTRICT III

February 1, 2022

To:

Hon. Leon D. Stenz
Circuit Court Judge
Electronic Notice

Tanya Neuens
Clerk of Circuit Court
Florence County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Douglas Drexler
Electronic Notice

Mark A. Schoenfeldt
Electronic Notice

Donald E. Lilley, Jr.
Florence County Jail
P.O. Box 678
Florence, WI 54121

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

2019AP1984-CRNM State of Wisconsin v. Donald E. Lilley, Jr.
(L. C. No. 2016CF25)

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 Donald E. Lilley, Jr., has filed a no-merit report concluding no grounds exist to challenge Lilley's conviction for one count of failing to provide child support for at least 120 consecutive days, contrary to WIS. STAT. § 948.22(2) (2019-20).¹ Lilley 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

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

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.

The State charged Lilley with two counts of felony failure to pay child support. In exchange for Lilley's guilty plea to one count, the State agreed to recommend that the other count be dismissed outright. The State also agreed to join in defense counsel's recommendation for a withheld sentence and two years' probation. Although the circuit court withheld sentence and ordered two years' probation consistent with the joint recommendation, it also imposed and stayed six months' conditional jail time, warning that if Lilley failed to comply with other conditions of his probation—including full-time employment or diligent job searches and monthly income reports—the stay would be lifted.

The no-merit report addresses whether Lilley knowingly, intelligently and voluntarily entered his guilty plea; whether the circuit court erroneously exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Lilley's trial counsel. Upon reviewing the record, 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 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 Mark A. Schoenfeldt is relieved of his obligation to further represent Donald E. Lilley, Jr., 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