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DISTRICT II

March 9, 2022

To:

Hon. John A. Jorgensen
Circuit Court Judge
Electronic Notice

Tara Berry
Clerk of Circuit Court
Winnebago County
Electronic Notice

Winn S. Collins
Electronic Notice

Timothy T. O'Connell
Electronic Notice

Michael E. Carpenter, #323775
Oshkosh Correctional Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2021AP1201-CRNM State of Wisconsin v. Michael E. Carpenter (L.C. #2020CF487)

Before Gundrum, P.J., Neubauer and Kornblum, 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).

Michael E. Carpenter appeals from a judgment convicting him of second-degree sexual assault of a child as a repeater. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Carpenter received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude there

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

are no issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Carpenter was convicted following a no contest plea to second-degree sexual assault of a child as a repeater. He was accused of having sexual contact with a ten-year-old girl. An additional charge of failing to update information on the sex offender registry was dismissed and read-in. For his actions, the circuit court imposed a sentence of ten years of initial confinement and fifteen years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether Carpenter's plea was knowingly, voluntarily, and intelligently entered and whether the circuit court properly exercised its discretion at sentencing. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Carpenter further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Timothy T. O'Connell is relieved of further representation of Michael E. Carpenter in this appeal. *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