



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

March 10, 2022

To:

Hon. Daniel G. Wood
Circuit Court Judge
Electronic Notice

Winn S. Collins
Electronic Notice

Lori Banovec
Clerk of Circuit Court
Adams County Courthouse
Electronic Notice

Roberta A. Heckes
Electronic Notice

Tania M. Bonnett
Electronic Notice

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

2020AP1879-CRNM State of Wisconsin v. Christina Ann Clark (L.C. # 2018CF135)

Before Blanchard, P.J., Fitzpatrick, 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 Roberta Heckes, appointed counsel for Christina Clark, 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). Clark 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 raised on appeal. Accordingly, we affirm the judgment of conviction against Clark.

Clark was charged with multiple offenses arising out of an incident in which she and her husband were alleged to have sexually assaulted two victims and provided the victims with drugs. One of the victims was a minor. Pursuant to a plea agreement, Clark pled no contest to one count of child enticement and one count of delivery of methamphetamine. The remaining counts were dismissed and read in, as was an additional count from a separately filed case.

On the child enticement count, the court sentenced Clark to a five-year and six-month prison sentence consisting of three years and six months of initial confinement and two years of extended supervision. On the delivery of methamphetamine count, the court imposed and stayed a five-year prison sentence and ordered four years of probation, to run consecutive to Clark's sentence on the child enticement count.

The no-merit report addresses whether Clark's no-contest pleas were knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. The circuit court's plea colloquy, including the court's references to the plea questionnaire and waiver of rights form, sufficiently complied with the requirements of WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, relating to the nature of the charges, the maximum prison terms, the rights Clark was waiving, and other matters. We also agree with counsel that the court properly established a factual basis for Clark's no-contest pleas. We see no other ground on which Clark might challenge her pleas.

The no-merit report also addresses whether the circuit court erroneously exercised its sentencing discretion. We agree with counsel that there is no arguable merit to this issue. The

circuit court considered the required sentencing factors along with other relevant factors, and the court did not rely on any inappropriate factors. *See State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. We see no other arguable basis for Clark to challenge her sentences or a \$160.35 restitution award that the court imposed.

The no-merit report states that the circuit court properly exercised its discretion when it placed Clark on lifetime sex offender supervision under WIS. STAT. § 939.615. To avoid any future confusion, we point out that the court did not impose lifetime supervision under § 939.615. Rather, the court ordered lifetime sex offender *registration* under WIS. STAT. § 301.45. Because Clark was sentenced on a child enticement offense, in violation of WIS. STAT. § 948.07, the court was required to order sex offender registration, and the court had discretion to require lifetime registration. *See* WIS. STAT. § 973.048(2m) and (4). We see no arguable basis for Clark to challenge the court's exercise of discretion in this regard.

Finally, the no-merit report addresses whether Clark could claim that trial counsel was ineffective. Based on our independent review of the record, we agree with no-merit counsel that it would be frivolous to pursue such a claim.

Our review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Roberta Heckes is relieved of any further representation of Christina Clark 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