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DISTRICT III

April 19, 2022

To:

Hon. Michael T. Judge
Circuit Court Judge
Electronic Notice

Winn S. Collins
Electronic Notice

Trisha LeFebre
Clerk of Circuit Court
Oconto County Courthouse
Electronic Notice

Thomas J. Erickson
Electronic Notice

Edward D. Burke Jr.
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Christopher M. Hatfield 684696
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:

2020AP1571-CRNM State of Wisconsin v. Christopher M. Hatfield
(L. C. No. 2018CF190)

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 Christopher Hatfield has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20),¹ concluding that no grounds exist to challenge Hatfield's conviction for one count of repeated sexual assault of the same child. Hatfield 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), we conclude that there is no

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

arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction, as modified to reflect that Hatfield entered a no-contest plea to repeated sexual assault of the same child, rather than a guilty plea. *See* WIS. STAT. RULE 809.21.

The State charged Hatfield with one count of repeated sexual assault of the same child. The complaint alleged that Hatfield had sexually assaulted the fifteen-year-old victim on at least three occasions between June 1 and August 30, 2018, by touching the victim's crotch, breasts, and buttocks over her clothing.

In June 2019, Hatfield pled guilty to the crime charged, pursuant to a plea agreement. In exchange for Hatfield's plea, the State agreed to recommend no more than five years of initial confinement. The circuit court accepted Hatfield's plea and found him guilty.

Before sentencing, Hatfield filed a motion to change his plea from guilty to no contest. As grounds for the motion, Hatfield asserted that he was facing potential charges in Illinois that were "of the same nature" as the charge in this case. Hatfield alleged that a plea of guilty in this case could "have a more substantial impact on the potential Illinois charges than a plea of [n]o [c]ontest." He further alleged that at the time he entered his guilty plea, he was not fully aware of the impact that his plea could have on the Illinois case.

During a September 2019 hearing, the circuit court permitted Hatfield to withdraw his guilty plea and enter a no-contest plea to the crime charged. Following a plea colloquy, supplemented by a plea questionnaire and waiver of rights form that Hatfield had completed, the court accepted Hatfield's no-contest plea, concluding that it was freely, voluntarily, and intelligently made. The court further found that the criminal complaint provided a factual basis for Hatfield's plea.

Consistent with the plea agreement, the State recommended that the circuit court sentence Hatfield to five years' initial confinement and fifteen years' extended supervision. Hatfield asked the court to place him on probation. The court imposed a sentence consisting of five years' initial confinement and four years' extended supervision.

The no-merit report addresses: (1) whether Hatfield's no-contest plea was knowing, intelligent, and voluntary; and (2) whether the circuit court erroneously exercised its discretion when sentencing Hatfield. Having independently reviewed the record, we agree with counsel's description, analysis, and conclusion that these potential issues lack arguable merit. Accordingly, we do not address them further.

Although the circuit court permitted Hatfield to withdraw his guilty plea and instead enter a no-contest plea to repeated sexual assault of the same child, we note that Hatfield's judgment of conviction incorrectly states that he pled guilty. Because this appears to be a clerical error, upon remittitur, the court shall enter an amended judgment of conviction correctly stating that Hatfield entered a no-contest plea.

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

Therefore,

IT IS ORDERED that the judgment is modified and, as modified, is summarily affirmed.

WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Thomas Erickson is relieved of further representing Christopher Hatfield 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