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DISTRICT II

May 4, 2022

To:

Hon. Phillip A. Koss
Circuit Court Judge
Electronic Notice

Kristina Secord
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Hans P. Koesser
Electronic Notice

Zeke Wiedenfeld
Electronic Notice

Madison A. Conley, #688465
Robert Ellsworth Corr. Center
21425-A Spring St.
Union Grove, WI 53182-9408

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

2021AP554-CRNM State of Wisconsin v. Madison A. Conley (L.C. #2019CF95)

Before Neubauer, Grogan 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).

Madison A. Conley appeals a judgment of conviction for physical abuse of a child, recklessly causing great bodily harm. Appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Conley was advised of her right to file a response but has not done so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and

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

RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Conley entered a guilty plea to the child abuse charge, a Class E felony with a maximum prison term of fifteen years. *See* WIS. STAT. §§ 948.03(3)(a) and 939.50(3)(e) (2017-18). The circuit court sentenced Conley to an eight-year prison term, consisting of three years of initial confinement and five years of extended supervision.

The no-merit report first addresses whether Conley's guilty plea could be withdrawn because it was not knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. The plea colloquy 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 charge, the rights Conley was waiving, and other matters. We see no other arguable basis upon which Conley might seek plea withdrawal.

The no-merit report next addresses whether the circuit court misused its sentencing discretion. We agree with counsel that this issue too lacks arguable merit. The circuit court considered the required sentencing factors along with other relevant factors. *See State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. The court did not consider any improper factors. Conley's sentence was well within the maximum allowed and could not be challenged as unduly harsh or so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We see no other basis upon which Conley might challenge her sentence.

Based upon our independent review of the record, we have found no other arguable basis to pursue further appellate proceedings. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Hans P. Koesser is relieved from further representing Madison A. Conley 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