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DISTRICT III

May 17, 2022

To:

Hon. J. Michael Bitney
Circuit Court Judge
Electronic Notice

Sharon Millermon
Clerk of Circuit Court
Barron County Justice Center
Electronic Notice

Thomas Brady Aquino
Electronic Notice

Winn S. Collins
Electronic Notice

Brian H. Wright
Electronic Notice

Shawn H. Goplen 523048
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

2019AP1909-CRNM State of Wisconsin v. Shawn H. Goplen (L. C. No. 2018CF222)

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).

Shawn Goplen appeals from a judgment convicting him of fleeing or attempting to elude a law enforcement officer. Attorney Thomas Aquino has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2019-20).¹ The no-merit report sets forth the procedural history of the case and addresses Goplen's plea and sentence. We have advised Goplen of his right to respond to the no-merit report, but he has not filed a response.

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

Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude there are no arguably meritorious issues for appeal.

The State charged Goplen with attempting to flee or elude an officer, with a repeater enhancer, based upon allegations that he led officers on a high-speed chase in a stolen vehicle. Goplen pled guilty in exchange for the dismissal of a repeater penalty enhancer and the State's agreement to cap its sentence recommendation at the recommendation offered in the presentence investigation report (PSI), if a PSI were ordered. The circuit court accepted Goplen's plea after conducting a plea colloquy and reviewing a signed plea questionnaire and waiver of rights form, with attached jury instructions.

The circuit court proceeded directly to sentencing without ordering a PSI, and Goplen exercised his right of allocution. After hearing from the parties, the court discussed the proper sentencing factors, including the gravity of the offense, the need to protect the public, and the character of the offender. The court then sentenced Goplen to one and one-half years' initial confinement followed by two years' extended supervision.

We agree with counsel's description, analysis and conclusion that any challenge to the plea or sentence would lack arguable merit. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*. Accordingly, counsel shall be allowed to withdraw, and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

IT IS ORDERED that the judgment of conviction is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Thomas Aquino is relieved of any further representation of Shawn Goplen in this matter pursuant to 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