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**DISTRICT IV**

May 19, 2022

To:

Hon. Ellen K. Berz  
Circuit Court Judge  
Electronic Notice

Carlo Esqueda  
Clerk of Circuit Court  
Dane County Courthouse  
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Winn S. Collins  
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Timothy J. Helmberger  
Electronic Notice

Kathleen Henry  
Electronic Notice

Timothy L. Coleman  
Eau Claire County Jail  
710 2nd Ave.  
Eau Claire, WI 54703

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

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2020AP2071-CRNM      State of Wisconsin v. Timothy L. Coleman (L.C. # 2018CM1287)

Before Blanchard, P.J.<sup>1</sup>

**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 Kathleen Henry, appointed counsel for Timothy Coleman, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Coleman was sent a copy of the report and has not filed a response. I conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2019-20). All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

809.21. Upon consideration of no-merit report and an independent review of the record, I conclude that there is no arguable merit to any issue that could be raised on appeal.

Coleman pled guilty to one count of misdemeanor battery. In exchange for Coleman's plea, the State agreed to dismiss but read in other counts. The parties agreed to a joint sentencing recommendation of six months in the Dane County jail. The circuit court accepted Coleman's plea and followed the joint sentencing recommendation. However, given the amount of time Coleman had spent confined while waiting for the plea hearing, the Court credited Coleman with time served.

The no-merit report addresses whether Coleman's plea was entered knowingly, voluntarily, and intelligently. This court's independent review of the record reveals that the plea colloquy sufficiently complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 255-73, 389 N.W.2d 12 (1986) and WIS. STAT. § 971.08 relating to: the nature of the charge; Coleman's understanding of the proceedings and the voluntariness of the plea decision; the penalty ranges and other direct consequences of the pleas; and the constitutional rights being waived. The record also establishes that the parties stipulated that there was a factual basis for the plea. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report also addresses whether the circuit court erroneously exercised its sentencing discretion. As explained in the no-merit report, the sentence imposed is within the legal maximum. The standards for the circuit court and this court on discretionary sentencing issues are well established and need not be repeated here. See *State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate

factors, did not consider improper factors, and reached a reasonable result. Any argument that the circuit court erroneously exercised its sentencing discretion is without arguable merit on appeal.

This court's independent review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kathleen Henry is relieved of any further representation of Timothy Coleman in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*