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DISTRICT IV

May 19, 2022

To:

Hon. Karl Hanson
Circuit Court Judge
Electronic Notice

Jacki Gackstatter
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Annice Kelly
Electronic Notice

Gerald A. Urbik
Electronic Notice

Shanelli K. Madding 534192
Taycheedah Correctional Inst.
P.O. Box 3100
Fond du Lac, WI 54936-3100

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

2020AP2159-CRNM State of Wisconsin v. Shanelli K. Madding (L.C. # 2019CF295)

Before Blanchard, P.J., Fitzpatrick, and Graham, 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 Annice Kelly, appointed counsel for Shanelli Madding, 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). Madding 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,

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

we conclude that there is no arguable merit to any issue that could be raised on appeal. Accordingly, we affirm the judgment of conviction against Madding.

Madding was charged with one count of battery by a prisoner. She agreed to plead guilty to the charge, and the parties agreed to make a joint sentencing recommendation that Madding receive a five-year term of imprisonment consisting of two years of initial confinement and three years of extended supervision. The circuit court accepted Madding's guilty plea and followed the joint sentencing recommendation.

The no-merit report addresses whether Madding's guilty plea was 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 charge, the maximum prison term, the rights Madding was waiving, and other matters. We see no other arguable basis on which Madding might challenge her plea.

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. Moreover, Madding cannot challenge a sentencing outcome that she joined in recommending. See *State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989) (“Because defendant affirmatively approved the sentence, he cannot attack it on appeal.”). We see no other arguable basis for Madding to challenge her sentence.

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 Annice Kelly is relieved of any further representation of Shanelli Madding 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