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DISTRICT I

July 19, 2022

To:

Hon. Janet C. Protasiewicz
Circuit Court Judge
Electronic Notice

George Christenson
Clerk of Circuit Court
Milwaukee County Safety Building
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Winn S. Collins
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John D. Flynn
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Vicki Zick
Electronic Notice

Marvin Ray Hopkins Jr. 688587
Kettle Moraine Correctional Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

2020AP1644-CRNM State of Wisconsin v. Marvin Ray Hopkins, Jr.
(L.C. # 2019CF3547)

Before Brash, C.J., Dugan and White, 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).

Marvin Ray Hopkins, Jr., appeals from a judgment convicting him of third-degree sexual assault. Hopkins' appellate counsel, Vicki Zick, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20) and *Anders v. California*, 386 U.S. 738 (1967).¹ Hopkins received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record as mandated by

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

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

The criminal complaint in this case, which was filed in August 2019, alleged that two years earlier, Hopkins had nonconsensual sexual intercourse with D.K.C. at his home. The State charged him with one count of second-degree sexual assault.

Pursuant to a plea agreement, Hopkins pled guilty to an amended charge of third-degree sexual assault. The circuit court accepted his plea and sentenced him to forty-two months of initial confinement, followed by thirty-six months of extended supervision.

The no-merit report addresses the potential issues of whether a sufficient factual basis existed to support Hopkins' guilty plea, whether the plea was knowingly, intelligently, and voluntarily entered, and whether the sentence was the result of an erroneous exercise of discretion or otherwise improper. The plea colloquy, when augmented by the plea questionnaire and waiver of rights form, the addendum, and the applicable jury instruction, demonstrates Hopkins' understanding of the information he was entitled to and that his plea was knowingly, voluntarily, and intelligently entered. *See State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986); *see also State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987). We additionally conclude that there was an adequate factual basis to support his plea and that as to sentencing, the circuit court considered and applied the relevant sentencing factors. This court is satisfied that the no-merit report properly analyzes the issues it raises as being without merit.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms Hopkins' conviction, and discharges appellate counsel of the obligation to represent Hopkins further in this appeal.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of further representation of Marvin Ray Hopkins, Jr. 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