



plea and sentence. Beedle has filed a response challenging the circuit court's reliance on "uncharged and unproven conduct" and its use of a risk and needs assessment tool called a Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) report at sentencing. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that counsel shall be allowed to withdraw and the judgment will be summarily affirmed.

The State charged Beedle with armed robbery, felony bail jumping, and possession of a firearm by a felon—all based upon a home invasion in which two men robbed a homeowner at gunpoint. Beedle eventually pled guilty to the armed robbery count in this case as part of a plea agreement also involving three other Sawyer County cases. In exchange, the State recommended that the circuit court dismiss and read in the other two counts in this case and multiple counts from the other cases, and it agreed to jointly recommend a sentence of five years' initial confinement followed by ten years' extended supervision on the armed robbery count, to be served concurrently with the sentences in the other cases. The court accepted Beedle'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 subsequently held a sentencing hearing at which the parties addressed the court and provided a joint sentence recommendation in accordance with the plea agreement. During its argument, the State highlighted the violent aspect of pointing a weapon at someone during the armed robbery and discussed another incident in which Beedle had fired a handgun in a crowded bar and struck a patron in the shoulder, leading to the revocation of Beedle's probation in a separate case.

An alternate presentence investigation report (PSI) commissioned by the defense made a recommendation in line with the parties' joint sentence recommendation as to the period of initial confinement, with slightly less extended supervision time. However, the PSI prepared by the Department of Corrections (DOC) recommended a significantly longer period of twelve to twenty-five years' initial confinement followed by seven to eight years' extended supervision. The DOC's PSI incorporated information from a COMPAS report. The COMPAS report asserted, among other things, that Beedle "is more than likely to continue involvement with antisocial friends"; may have "a tendency toward antisocial personality"; "is highly likely to have difficulty managing and controlling his anger"; and may have "potential attitude problems," such as "rationalizations (excuses) that minimize the seriousness of his criminal activity."

After hearing from the parties and reviewing the submitted materials, the circuit court discussed a number of sentencing factors, including the gravity of the offense, the character of the offender, and the need to protect the public. The court expressed specific concern about "an escalating level of violence" in Beedle's behavior, particularly when he was intoxicated or had taken drugs, culminating in the bar shooting incident and armed robbery. The court stated that it also viewed Beedle's involvement with methamphetamine and heroin as being somewhat violent "by its very nature" because those drugs led to deaths and destroyed lives in the community. The court then sentenced Beedle to twelve years' initial confinement followed by ten years' extended supervision, to be served concurrently with sentences imposed in the other three Sawyer County cases. The court also granted the stipulated sentence credit, awarded \$500 in restitution and imposed costs and fines.

Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that a challenge to Beedle's plea would lack arguable merit. Because Beedle himself does not

challenge his plea and the no-merit report sets forth an adequate discussion to support the no-merit conclusion on this issue, we need not address it further.

As to sentencing, Beedle first contends that the allegation that he shot a patron in a bar was “unproven.” Beedle acknowledges, however, that an administrative law judge found that the bar shooting had occurred, constituting a probation violation. Moreover, Beedle did not dispute at sentencing that the bar-shooting incident occurred and does not now present any evidence that would establish that the bar-shooting incident did not actually happen. Therefore, the circuit court’s consideration of the bar-shooting incident was within its discretion and does not provide grounds to challenge Beedle’s sentence.

Beedle next contends that the use of the COMPAS report violated his constitutional rights. However, the Wisconsin Supreme Court determined in *State v. Loomis*, 2016 WI 68, ¶104, 371 Wis. 2d 235, 881 N.W.2d 749, that the use of a COMPAS risk assessment as merely one factor at sentencing, with awareness of its limitations, does not violate a defendant’s due process rights. The record does not show that the circuit court treated any risk assessment in the COMPAS report as a determinative factor in its sentencing decision. Rather, the court weighed heavily the specific facts of Beedle’s criminal history in making its own determination as to Beedle’s character and risk to public safety.

Our independent review of the record discloses no other potential issues for appeal.<sup>2</sup> 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 corrected judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

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

IT IS FURTHER ORDERED that Assistant State Public Defender Jeremy Newman is relieved of any further representation of Clayton Beedle in this matter pursuant to 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*

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<sup>2</sup> We note that the defendant's pleas forfeited the right to raise other nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.