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DISTRICT III

December 6, 2022

To:

Hon. Michael H. Bloom
Circuit Court Judge
Electronic Notice

Brenda Behrle
Clerk of Circuit Court
Oneida County Courthouse
Electronic Notice

Winn S. Collins
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Michael W. Schiek
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Mark A. Schoenfeldt
Electronic Notice

Blaine D. Ciardo 620639
Prairie Du Chien Correctional Inst.
P.O. Box 9900
Prairie du Chien, WI 53821

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

2021AP846-CRNM State of Wisconsin v. Blaine D. Ciardo (L. C. No. 2018CF361)

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).

Blaine Ciardo appeals from a judgment convicting him of one count of causing mental harm to a child and two counts of intimidating a witness. Attorney Mark Schoenfeldt has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2019-20).¹ Ciardo was informed of the right to respond to the no-merit report, but he has not filed a response. Having independently reviewed the entire record as mandated by *Anders v.*

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

California, 386 U.S. 738, 744 (1967), we conclude that counsel will be allowed to withdraw, and the judgment shall be summarily affirmed.

The State charged Ciardo with first-degree sexual assault of a child under the age of thirteen, incest, causing a child under the age of thirteen to view sexual activity, four counts of causing mental harm to a child, intimidation of a witness, and intimidation of a victim. Ciardo pled no contest to one of the counts of causing harm to a child, the original count of intimidation of a witness, and an additional charge of intimidation of a witness that was added in an amended complaint. In exchange, the State agreed to move to dismiss outright the remaining charges in this case, to dismiss and read in a single charge in another case, and to make a joint sentencing recommendation of four years' initial confinement followed by five years' extended supervision on the count of causing mental harm to a child, with three-year terms of probation on each of the witness intimidation counts to be served consecutively to the bifurcated sentence but concurrently to one another. The circuit court accepted Ciardo's pleas after conducting a plea colloquy, reviewing a signed plea questionnaire and waiver of rights form with attached jury instructions, and ascertaining that the complaint provided a factual basis for the pleas.

The circuit court proceeded directly to sentencing without ordering a presentence investigation report. After hearing from the parties and the two victims, the court discussed proper sentencing factors, including the gravity of the offenses, Ciardo's character, and sentencing objectives such as punishment and the need to protect the public. The court then accepted the parties' joint sentencing recommendation and awarded 630 days' sentence credit.

The no-merit report addresses the validity of the pleas and sentences and whether Ciardo received ineffective assistance of counsel. Upon reviewing the record, we agree with counsel's

description, analysis, and conclusion that none of these issues has arguable merit. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

Our independent review of the record discloses no other potential issues for appeal.² 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 Mark Schoenfeldt is relieved of any further representation of Blaine Ciardo 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

² We note that Ciardo'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.