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DISTRICT III

February 14, 2023

To:

Hon. Kelly J. Thimm
Circuit Court Judge
Electronic Notice

Michele Wick
Clerk of Circuit Court
Douglas County Courthouse
Electronic Notice

Katie Babe
Electronic Notice

Winn S. Collins
Electronic Notice

Mark A. Fruehauf
Electronic Notice

Joseph Lee Childs
705 E. Main Street
Ashland, WI 54806

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

2021AP178-CRNM State of Wisconsin v. Joseph Lee Childs
(L. C. No. 2018CF623)

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).

Counsel for Joseph Childs has filed a no-merit report concluding that no grounds exist to challenge Childs' conviction for substantial battery with intent to cause bodily harm, as an act of domestic abuse. Childs was informed of his right to file a response to the no-merit report, and he has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could

be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21 (2019-20).¹

The State charged Childs with criminal trespass and substantial battery as an act of domestic abuse. The charges arose from allegations that Childs, who was in a relationship with Jane,² forced his way into Jane's apartment, threw her off of a couch and hit her in the face "with his fists," causing her substantial bodily harm. Specifically, Jane's right eye was swollen completely shut, and her orbital bone had been fractured. Additionally, both her left lip and the left side of her face between her ear and her eye were swollen. In exchange for Childs' guilty plea to the substantial battery charge, the State agreed to recommend dismissal of the remaining charge and to not charge any offense arising from a previous incident between the parties. The State also agreed to cap its sentencing recommendation at whatever recommendation would be made in the presentence investigation report. Out of a maximum possible sentence of three and one-half years, the circuit court imposed the maximum sentence consisting of one and one-half years of initial confinement followed by two years of extended supervision. The parties stipulated to 290 days of sentence credit.

The no-merit report addresses whether Childs knowingly, intelligently and voluntarily entered his guilty plea and whether the circuit court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that any challenge to Childs' plea or sentence would lack arguable merit. The no-merit report sets

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

² Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym instead of the victim's name.

forth an adequate discussion of these 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 issue for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Katie Babe is relieved of her obligation to further represent Joseph Childs 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*