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DISTRICT III

April 18, 2023

To:

Hon. Steven P. Anderson
Circuit Court Judge
Electronic Notice

Lori Gorsegrner
Clerk of Circuit Court
Rusk County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Michael J. Herbert
Electronic Notice

Cory F. Woodmansee 379001
Jackson Correctional Inst.
P.O. Box 233
Black River Falls, WI 54615-0233

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

2022AP2179-CRNM State of Wisconsin v. Cory F. Woodmansee
(L. C. No. 2020CF73)

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 Cory Woodmansee has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22),¹ concluding that no grounds exist to challenge Woodmansee's conviction for causing a child between the ages of thirteen and eighteen to view or listen to sexual activity, as a repeater. Woodmansee was informed of his right to file a response to the no-merit report, but he has not responded. Upon our independent review of the record as

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude that 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.

The State charged Woodmansee with causing a child between the ages of thirteen and eighteen to view or listen to sexual activity and exposing a child to harmful material, both counts as a repeater. The complaint alleged that Woodmansee had been “sending and receiving pornographic photographs/videos” with a seventeen-year-old girl via text messages. Specifically, the complaint alleged that Woodmansee had sent the girl photographs of his penis and a video of himself masturbating. The complaint also alleged, for purposes of the repeater enhancers, that Woodmansee had been convicted of a felony in a Rusk County case within the five-year period immediately preceding the commission of the offenses charged in this case. *See* WIS. STAT. § 939.62(2).

The parties reached a plea agreement, which resolved both this case and Rusk County case No. 2020CF149. In this case, Woodmansee agreed to plead guilty or no contest to causing a child between the ages of thirteen and eighteen to view or listen to sexual activity, as a repeater, and the State agreed that the charge of exposing a child to harmful material would be dismissed and read in for purposes of sentencing. In case No. 2020CF149, Woodmansee agreed to plead guilty or no contest to a charge of neglecting a child (consequence is bodily harm). The State agreed to dismiss a repeater enhancer for that charge, and the State also agreed that a charge of physical abuse of a child (intentionally causing bodily harm), as a repeater, would be dismissed and read in. The parties further agreed that an uncharged offense of noncompliance with the sex offender registry would not be charged but would be read in for purposes of sentencing. The

plea agreement also provided that a presentence investigation report would be ordered and that both sides would be free to argue at sentencing.

The circuit court conducted a plea colloquy, supplemented by a plea questionnaire and waiver of rights form. Following the colloquy, the court accepted Woodmansee's no-contest pleas to the offenses specified in the plea agreement, finding that they were knowingly, voluntarily, and intelligently made. Woodmansee's attorney stipulated that the criminal complaint in each case provided a factual basis for Woodmansee's pleas, and the court found that an adequate factual basis for the pleas existed.

At a subsequent sentencing hearing, the circuit court sentenced Woodmansee to five years of initial confinement followed by three years of extended supervision in the instant case. In case No. 2020CF149, the court withheld sentence and placed Woodmansee on probation for three years, consecutive to his sentence in this case.²

The no-merit report addresses: (1) whether Woodmansee's no-contest plea in the instant case was knowing, intelligent, and voluntary; and (2) whether there are any arguable grounds to challenge Woodmansee's sentence. We agree with counsel's description, analysis, and conclusion that these potential issues lack arguable merit, and we therefore do not address them further. In addition, although not addressed in the no-merit report, our independent review of the record reveals no arguable basis for a claim that Woodmansee's trial attorney was constitutionally ineffective.

² Woodmansee's conviction in case No. 2020CF149 is not at issue in this no-merit appeal. Accordingly, we do not address that conviction further.

Our independent review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Michael J. Herbert is relieved of his obligation to further represent Cory Woodmansee 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