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DISTRICT II

July 5, 2023

To:

Hon. Todd K. Martens
Circuit Court Judge
Electronic Notice

Douglas C. McIntosh
Electronic Notice

Sarah Adjemian
Clerk of Circuit Court
Washington County Courthouse
Electronic Notice

Shannon Marie Strahota, #596440
Robert Ellsworth Corr. Center
21425-A Spring St.
Union Grove, WI 53182-9408

Winn S. Collins
Electronic Notice

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

2023AP156-CRNM State of Wisconsin v. Shannon Marie Strahota (L.C. #2020CF510)

Before Gundrum, P.J., Grogan and Lazar, 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).

Shannon Marie Strahota appeals from a judgment convicting her of physical abuse of a child by recklessly causing great bodily harm. Her appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Strahota received a copy of the report, was advised of her right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the Record, we

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

conclude there are no issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Strahota was convicted following a no contest plea to physical abuse of a child by recklessly causing great bodily harm. She was accused of causing serious injuries² to an eight-month-old infant in her care. The circuit court sentenced Strahota to eight years of initial confinement and five years of extended supervision.³

The no-merit report addresses the propriety of the plea and sentence and whether grounds exist to challenge either one. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the Record discloses no other potential issues for appeal.⁴ Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Strahota further in this appeal.

² The injuries included a skull fracture, bilateral subdural hemorrhages, and retinal hemorrhages.

³ The circuit court deemed Strahota eligible for the Substance Abuse Program (SAP) after serving six years of initial confinement. This determination was invalid because Strahota was statutorily ineligible for the program due to the crime for which she was convicted. *See* WIS. STAT. § 302.05(3)(a)1. Appellate counsel has concluded that Strahota's ineligibility for SAP would not constitute a new factor. We agree. Although the court deemed Strahota eligible for SAP, it expressed skepticism that she would be admitted because she had completed the program in a prior case. Thus, Strahota's ineligibility for SAP is not a fact highly relevant to her sentence. *See State v. Harbor*, 2011 WI 28, ¶40, 333 Wis. 2d 53, 797 N.W.2d 828.

⁴ We note that Strahota's plea 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.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Douglas C. McIntosh is relieved of further representation of Shannon Marie Strahota in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals