



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

February 29, 2024

To:

Hon. Karl Hanson
Circuit Court Judge
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Amanda Nelson
Clerk of Circuit Court
Rock County Courthouse
Electronic Notice

Spring Marie Everingham 433046
Robert Ellsworth Corr. Center
21425-A Spring St.
Union Grove, WI 53182-9408

Laura M. Force
Electronic Notice

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

2023AP516-CRNM	State of Wisconsin v. Spring Marie Everingham (L.C. # 2020CF52)
2023AP517-CRNM	State of Wisconsin v. Spring Marie Everingham (L.C. # 2021CF303)

Before Blanchard, Nashold, and Taylor, 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).

Attorney Laura Force, appointed counsel for Spring Everingham, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967), in these consolidated appeals. Everingham was sent a copy of the report and has not filed a response. Upon consideration of the report and an

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

independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal. Accordingly, we affirm.

As part of a global plea agreement resolving multiple cases, Everingham pled guilty to one count of robbery with threat of force, one count of misdemeanor retail theft, and five counts of felony bail jumping.² Other charges were dismissed and read in at sentencing.

The circuit court imposed sentences as follows: on the robbery charge, an eight-year term of imprisonment consisting of four years of initial confinement and four years of extended supervision, consecutive to any other sentence; on the misdemeanor theft charge, nine months in jail, concurrent with any other sentence; and on the felony bail jumping charges, a withheld sentence and three years of probation, consecutive to any other sentence.

Everingham moved for sentence modification, alleging new factors based on the death of her significant other and information from her therapist. The circuit court denied the motion. The court stated that even if Everingham had established the existence of one or more new factors, the court would exercise its discretion to determine that none justifies sentence modification. *See State v. Harbor*, 2011 WI 28, ¶33, 333 Wis. 2d 53, 797 N.W.2d 828 (“Whether a fact or set of facts presented by the defendant constitutes a ‘new factor’ is a question of law,” but “[t]he determination of whether that new factor justifies sentence modification is committed to the discretion of the circuit court.”).

² As part of the plea agreement, Everingham also pled guilty to an OWI charge in a case that she has not appealed.

The no-merit report addresses each of the following issues: whether Everingham properly waived her right to appear in person instead of by videoconference at the plea hearing and the sentencing hearing, consistent with *State v. Soto*, 2012 WI 93, ¶¶40, 46, 343 Wis. 2d 43, 817 N.W.2d 848; whether Everingham's guilty pleas were knowing, intelligent, and voluntary; whether the circuit court erroneously exercised its sentencing discretion or made any other error at sentencing; and whether the court erred in denying Everingham's motion for sentence modification. We are satisfied that the report properly analyzes each of these issues as having no arguable merit.

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

Therefore,

IT IS ORDERED that the judgments and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Laura Force is relieved of any further representation of Spring Everingham in this matter. *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