



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](http://www.wicourts.gov)

**DISTRICT II**

October 2, 2024

To:

Hon. Wynne P. Laufenberg  
Circuit Court Judge  
Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
Electronic Notice

Brian Patrick Mullins  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Joseph E. Smith #702545  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

---

2023AP1604-CRNM      State of Wisconsin v. Joseph E. Smith (L.C. #2019CF1101)

Before Gundrum, P.J., Neubauer 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).**

Attorney Brian Patrick Mullins, as appointed counsel for Joseph E. Smith, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Smith with a copy of the report, and both counsel and this court advised him of his right to file a response.<sup>2</sup> Smith has not responded. Upon consideration of the

---

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

<sup>2</sup> This court additionally provided Smith an extension of time to file a response.

report and an independent review of the record, we conclude that the judgment in this matter may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Smith was convicted of one count of first-degree sexual assault of a child (sexual contact with a person under the age of thirteen) and one count of possessing a firearm as a felon. The circuit court imposed a sentence of fifteen years of initial confinement and five years of extended supervision on the sexual assault charge. On the charge of possessing a firearm as a felon, the circuit court imposed a concurrent sentence of eighteen months of initial confinement and eighteen months of extended supervision.

The no-merit report addresses whether Smith's pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Smith was waiving, and other matters. The record shows no other ground to withdraw the pleas. There is no arguable merit to this issue.

The no-merit report addresses Smith's sentences. The sentences are within the legal maximums. As to discretionary issues, the standards for the circuit court and this court are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Brian Patrick Mullins is relieved of further representation of Smith 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*