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DISTRICT IV

December 12, 2024

To:

Hon. Elliott M. Levine
Circuit Court Judge
Electronic Notice

Megan Gomez
Electronic Notice

Tammy Pedretti
Clerk of Circuit Court
La Crosse County Courthouse
Electronic Notice

Bridget A. Karl
2002 GFFW
4535 El Camino Real Drive
La Crosse, WI 54601

Katie Babe
Electronic Notice

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

2023AP326-CRNM State v. Bridget A. Karl (L.C. # 2021CF227)

Before Nashold, J.¹

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 Katie Babe, appointed counsel for Bridget Karl, has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses whether there would be arguable merit to a challenge to Karl's plea or sentencing. Karl has filed a response to the no-report. Upon independently reviewing the entire record, as well as the no-merit report and

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version.

response, this court agrees with counsel's assessment that there are no arguably meritorious appellate issues. The judgment of conviction is summarily affirmed.

Karl was charged with felony bail jumping, misdemeanor resisting an officer, and misdemeanor possession of THC. Pursuant to a plea agreement, Karl pled no contest to misdemeanor possession of THC and an amended count of misdemeanor bail jumping, and the State agreed to limit its sentencing recommendation to a withheld sentence with two years of probation.² The circuit court followed the defense sentencing recommendation of six days of jail time and awarded Karl twelve days of sentence credit, for a time-served disposition.

The no-merit report addresses whether there would be arguable merit to a challenge to Karl's plea. A postsentencing motion for plea withdrawal must establish that plea withdrawal is necessary to correct a manifest injustice, such as a plea that was not knowing, intelligent, and voluntary. *State v. Brown*, 2006 WI 100, ¶18, 293 Wis. 2d 594, 716 N.W.2d 906. Here, the circuit court conducted a plea colloquy that, together with the plea questionnaire that Karl signed, satisfied the court's mandatory duties to personally address Karl and determine information such as Karl's understanding of the nature of the charge and the range of punishments she faced, the constitutional rights she waived by entering a plea, and the direct consequences of the plea. *See State v. Hoppe*, 2009 WI 41, ¶¶18, 30, 317 Wis. 2d 161, 765 N.W.2d 794.

² The plea agreement also resolved several ordinance violation citations and criminal charges in other cases.

The no-merit report states that Karl believes that the circuit court should have informed her that her conviction could impact her qualification for housing assistance. The no-merit report concludes that there would be no arguable merit to a claim for plea withdrawal on that basis because Karl's qualification for housing assistance is a "collateral consequence" of her plea, *see State v. Kosina*, 226 Wis. 2d 482, 486, 595 N.W.2d 464 (Ct. App. 1999), and knowledge of a collateral consequence of a plea is not a prerequisite to a knowing and intelligent plea, *State ex rel. Warren v. Schwarz*, 219 Wis. 2d 615, 636, 579 N.W.2d 698 (1998). This court agrees that there would be no arguable merit to a claim for plea withdrawal on this basis.

The no-merit report notes that the circuit court failed to inform Karl of the potential immigration consequences of her pleas, as required by WIS. STAT. § 971.08(1)(c). However, counsel also states that she is unaware of any information suggesting that Karl will suffer adverse immigration consequences as a result of her pleas. *See State v. Negrete*, 2012 WI 92, ¶26, 343 Wis. 2d 1, 819 N.W.2d 749 (the circuit court's failure to inform a defendant that he or she could face possible deportation as a result of entering a plea is actionable only if there is a causal nexus between the entry of the plea and the federal government's likely imposition of adverse immigration action). Karl has filed a no-merit response but has not refuted that she is not subject to adverse immigration consequences, and nothing in the record suggests that she is subject to such consequences.

This court agrees with counsel's assessment that a challenge to Karl's plea would lack arguable merit. A valid guilty plea constitutes a waiver of all nonjurisdictional defects and defenses. *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

The no-merit report also addresses whether there would be arguable merit to a challenge to the sentence imposed by the circuit court. This court agrees with counsel that this issue lacks arguable merit. Because Karl received the sentence she affirmatively approved, she is barred from challenging the sentence on appeal. See *State v. Scherreiks*, 153 Wis. 2d 510, 517-18, 451 N.W.2d 759 (Ct. App. 1989). This court discerns no other basis to challenge the sentence imposed by the circuit court.

Karl's no-merit response alleges mistreatment by the police and in the jail, provides her version of the facts leading up to her charges across multiple cases, and asserts difficulties she has encountered based on her criminal convictions. Karl also asserts that she was "pushed" into entering her plea by her counsel. However, nothing in the no-merit response provides a nonfrivolous basis to challenge the validity of her plea or the sentence imposed by the circuit court. Karl does not assert any facts that would provide a basis to challenge the adequacy of the plea colloquy or that would render her pleas unknowing, unintelligent, or involuntary. As to Karl's assertion that her counsel "pushed" her into accepting the plea agreement, this court notes that even "forceful advice" by counsel that a defendant accept a favorable plea deal does not amount to coercion. *State v. Rhodes*, 2008 WI App 32, ¶11, 307 Wis. 2d 350, 746 N.W.2d 599 (2007). Here, during the plea colloquy, Karl affirmed that no one made any promises or threats to her to obtain her plea. Karl also affirmed that she thoroughly discussed her plea decision with her counsel, and that she was satisfied with her counsel's representation. Counsel's advice to Karl to accept the plea agreement would not support a nonfrivolous claim for plea withdrawal.

Upon this court's independent review of the record, the court has found no other arguable basis for reversing the judgment of conviction. This court concludes that any further appellate

proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

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

IT IS FURTHER ORDERED that Attorney Katie Babe is relieved of any further representation of Bridget Karl 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