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February 20, 2013

To:

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

2012AP2010-NM	In re the termination of parental rights to Grace K., a person under the age of 18: State of Wisconsin v. Tasha K. (L.C. # 2010TP134)
2012AP2011-NM	In re the termination of parental rights to Ellia K., a person under the age of 18: State of Wisconsin v. Tasha K. (L.C. # 2010TP135)
2012AP2012-NM	In re the termination of parental rights to Breanna K., a person under the age of 18: State of Wisconsin v. Tasha K. (L.C. # 2010TP136)
2012AP2013-NM	In re the termination of parental rights to Robert K., Jr., a person under the age of 18: State of Wisconsin v. Tasha K. (L.C. # 2010TP137)

Before Higginbotham, J.

Attorney Paul Bonneson, appointed counsel for Tasha K., has filed a no-merit report pursuant to WIS. STAT. RULE 809.107(5m) (2011-12).¹ Counsel provided Tasha with a copy of the report, and Tasha submitted a short response. We conclude that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the records, we conclude there is no arguable merit to any issue that could be raised on appeal.

A jury found that the State proved a basis to terminate Tasha's parental rights to four children on the ground of continuing need of protection and services. The jury also found a basis to terminate Robert's parental rights on the ground of failure to assume parental responsibility.

The no-merit report addresses whether the evidence was sufficient to support the jury's verdicts. A jury verdict will not be overturned unless there is no credible evidence to support it. WIS. STAT. § 805.14(1). Without attempting to recite the evidence here, we are satisfied that the evidence was sufficient to make any argument on this issue frivolous as to all the children.

The no-merit report addresses whether the court erroneously exercised its discretion in denying Tasha's motion for a mistrial when the court received information that jurors may have been discussing the case while the trial was going on, in violation of court order. The court conducted a voir dire of all jurors. While many of them acknowledged that some discussion of the case had occurred, all jurors stated that they could be fair and impartial, would not form an

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted. To the extent the thirty-day time limit in WIS. STAT. Rule 809.107(6)(e) applies to no-merit appeals, we extend that time to the date of this order.

opinion about the case until the end of the trial, and would not further discuss the case before them. Accordingly, it would be frivolous to argue that there was a basis to grant a mistrial.

The no-merit report addresses whether the court erroneously exercised its discretion in deciding that termination was in the children's best interests. The court considered and applied the proper factors under WIS. STAT. § 48.426(3), and did not consider improper factors. The court reached a reasonable result. There is no arguable merit to this issue.

In Tasha's response to the no-merit report, she states that witnesses were not called to trial who saw her with the children and could have verified how she is with them. However, Tasha does not identify those witnesses or explain more specifically what their testimony would have been. Without those details, we are unable to conclude that she has shown there may be an issue with arguable merit.

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

Therefore,

IT IS ORDERED that the orders terminating parental rights are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Bonneson is relieved of further representation of Tasha K. in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals