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DISTRICT I

May 6, 2019

To:

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Circuit Court Judge
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You are hereby notified that the Court has entered the following order:

2018AP1231-CRNM State of Wisconsin v. Karen K. Grayson (L.C. # 2015CF5104)

Before Kessler, P.J., Brash and Dugan, 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).

Counsel for Karen K. Grayson has filed a no-merit report concluding there is no arguable basis for an appellate challenge to Grayson's conviction of theft for embezzling over \$30,000 from the Red Cross. Grayson was advised of her right to respond to the report but has not responded. After independently reviewing the record as mandated by *Anders v. California*, 386

U.S. 738 (1967) and WIS. STAT. RULE 809.32 (2017-18)¹, we conclude that there are no arguably meritorious issues for appeal.

The no-merit report first addresses whether there would be arguable merit to a challenge to the circuit court's determination that Grayson was competent to stand trial. *See* WIS. STAT. § 971.13(1). Dr. Deborah Collins' testimony and report regarding her examination of Grayson provided ample basis for the circuit court's conclusion that Grayson did not lack the capacity to understand the nature and object of the proceedings against her and did not lack the capacity to consult with counsel to assist in preparing her defense. *See State v. Garfoot*, 207 Wis. 2d 214, 222, 558 N.W.2d 626 (1997). We agree with counsel's analysis of this issue and his conclusion that an appellate challenge would lack arguable merit.

The no-merit report next addresses whether there would be arguable merit to a claim that the no-contest plea was not knowingly, voluntarily, and intelligently entered. The plea colloquy, supplemented by a plea questionnaire and waiver of rights form, informed Grayson of the elements of the offense, the potential penalties, and the constitutional rights she was waiving by entering a plea. The record establishes that the plea was entered in compliance with WIS. STAT. § 971.08, *State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, and *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). There would be no arguable merit to a challenge to the plea.

The no-merit report next addresses whether the circuit court properly exercised its discretion when it sentenced Grayson to two years of initial confinement and three years of

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

extended supervision. The record discloses no basis for challenging the sentencing court's discretion. The maximum sentence for the offense was ten years of imprisonment, with five years of initial confinement and five years of extended supervision. The court explained the objectives of the sentence, considered appropriate sentencing factors in light of the circumstances, and reached a reasoned and reasonable decision. See *State v. Gallion*, 2004 WI 42, ¶¶17-18, 40-43, 270 Wis. 2d 535, 678 N.W.2d 197. There would be no arguable merit to a sentencing challenge.

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

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Christopher D. Sobic is relieved of his obligation to further represent Grayson in this matter. WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals