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DISTRICT IV

December 5, 2019

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

2019AP539-CRNM State of Wisconsin v. Lindsey R. Harwood (L.C. # 2017CF194)

Before Fitzpatrick, P.J., Kloppenburg and Graham, 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 Lane Fitzgerald, appointed counsel for Lindsey Harwood, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Harwood was sent a copy of the report and has not filed a response. We conclude that this case is appropriate for summary disposition. See WIS. STAT.

RULE 809.21. Upon consideration of the report and an independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Harwood was charged with one count of repeated sexual assault of a child, as a persistent repeater, and one count of sexual assault of a child under sixteen years of age. The parties entered into a plea agreement. Harwood agreed to plead no contest to the repeated sexual assault of a child count, without the persistent repeater allegation, and the State agreed that the remaining sexual assault count and a separate criminal case would be dismissed and read in at sentencing. The circuit court accepted Harwood's no-contest plea to the repeated sexual assault of a child count and dismissed the other charges. The court imposed a thirty-five-year prison sentence consisting of twenty years of initial confinement and fifteen years of extended supervision.

The no-merit report addresses whether Harwood's plea was knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. The plea colloquy sufficiently complied with the requirements of WIS. STAT. § 971.08 (2017-18)¹ and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, relating to the nature of the charges, the rights Harwood was waiving, and other matters. The record shows no other arguable ground for plea withdrawal.

The no-merit report addresses whether the circuit court erroneously exercised its sentencing discretion. We agree with counsel that there is no arguable merit to this issue. The total sentence was within the maximum allowed, and the circuit court discussed the required

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

sentencing factors along with other relevant factors. *See State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. The records shows no other arguable basis for Harwood to challenge her sentence.

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 Lane Fitzgerald is relieved of any further representation of Lindsey Harwood in this matter. *See* 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