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DISTRICT IV

February 28, 2018

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

2017AP983-CRNM State of Wisconsin v. Soukpasong Manavong (L.C. # 2015CF773)

Before Blanchard, Kloppenburg and Fitzpatrick, 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).

Soukpasong Manavong appeals a judgment convicting him, following a jury trial, of repeated sexual assault of a child. Attorney Michael Covey has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2015-16);¹ *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses the sufficiency of the evidence and

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

Manavong's sentence. Manavong was sent a copy of the report, but has not filed a response. Upon independently examining the entire record, as well as the no-merit report, we conclude that there are no arguably meritorious appellate issues.

First, we have reviewed the trial transcripts and are satisfied that the evidence was sufficient to prove all the elements of the charged offense. *See* WIS. STAT. § 948.025 and WIS. STAT. § 948.025(1)(d) (setting forth elements of repeated sexual assault of a child); *State v. Zimmerman*, 2003 WI App 196, ¶24, 266 Wis. 2d 1003, 669 N.W.2d 762 (discussing standard for sufficiency of the evidence). The victim, who was thirteen years old by the time of trial, testified that Manavong had sexually abused her approximately 100 times beginning when she was six years old. The State then introduced a recorded interview in which the victim gave details about multiple sexual assaults that we need not detail here. The jury was entitled to find the victim credible in whole or part, and her statements alone were sufficient to support the verdict.

A challenge to Manavong's sentence would also lack arguable merit. The record shows that the circuit court considered relevant sentencing factors and rationally explained their application to this case, emphasizing that Manavong had abused a position of authority to assault a vulnerable victim over a lengthy period of time, leaving emotional scars on the victim that could last a lifetime and warranted "pure and simple punishment." *See generally State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. The court sentenced Manavong to twelve years of initial confinement and eight years of extended supervision.

The sentence imposed did not exceed the maximum available penalty. *See* WIS. STAT. §§ 948.025(1)(d) (classifying repeated sexual assault of a child as a Class B felony);

973.01(2)(b)1. and (d)1. (providing maximum terms of forty years of initial confinement and twenty years of extended supervision for a Class B felony). Nor was the sentence unduly harsh, taking into account the impact on the victim and Manavong's prior criminal history. *See generally State v. Grindemann*, 2002 WI App 106, ¶¶31-32, 255 Wis. 2d 632, 648 N.W.2d 507.

We see no grounds to challenge voir dire, any evidentiary decisions, or trial counsel's performance. Upon our independent review of the record, we have found no other arguable basis for reversing the judgment of conviction. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Accordingly,

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

IT IS FURTHER ORDERED that Attorney Michael Covey is relieved of any further representation of Soukpasong Manavong in this matter pursuant to 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