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DISTRICT III

December 11, 2018

To:

Hon. David G. Miron
Circuit Court Judge
Marinette County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2017AP1684-CRNM State of Wisconsin v. Samantha M. Larochelle
(L. C. No. 2016CF5)

Before Stark, P.J., Hruz and Seidl, 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 Samantha Larochelle has filed a no-merit report concluding there is no basis to challenge Larochelle's conviction for second-degree sexual assault of a child. Larochelle was advised of her right to respond and has failed to respond. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised on appeal and summarily affirm.

According to the criminal complaint, twenty-four-year-old Larochelle had sexual intercourse with a fourteen-year-old boy. She pleaded no contest pursuant to an amended Information, which changed the element of the charge from sexual intercourse to sexual contact. The circuit court imposed a sentence consisting of five years' initial confinement and five years' extended supervision.

The no-merit report addresses whether Larochelle's plea was knowingly, intelligently, and voluntarily entered; and whether the court properly exercised its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues raised, and we will not discuss the issues further. Our independent review of the record reveals no other issues of arguable merit.¹

Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21 (2015-16).

IT IS FURTHER ORDERED that attorney Angela Wenzel is relieved of further representing Samantha Larochelle in this matter pursuant to WIS. STAT. RULE 809.32(3) (2015-16).

¹ We note the circuit court referenced the COMPAS risk assessment at sentencing. However, the record shows it was not "determinative" of the sentence imposed. See *State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749. Any challenge to the sentence based on COMPAS would therefore lack arguable merit.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals