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DISTRICT II

July 31, 2019

To:

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

2019AP211-CRNM State of Wisconsin v. Jeremy L. Hirschmann (L.C. #2017CF7)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

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).

Jeremy L. Hirschmann appeals from a judgment convicting him of third-degree sexual assault and manufacture/deliver a schedule IV substance. Hirschmann's appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v.*

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

California, 386 U.S. 738 (1967). He was advised of his right to file a response but has not done so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Hirschmann gave his then wife a pill unlike the sleeping pill she customarily took and, while she was asleep, sexually assaulted her. Their marriage was on the decline, and they had not had sexual relations for several months. He was charged with two counts of second-degree sexual assault and one count of administering a stupefying drug. He ultimately pled no contest to third-degree sexual assault and delivery of a schedule IV drug. The trial court imposed six years' imprisonment on the sexual-assault count and a consecutive two years' probation on the drug count and ordered no contact with the victim or the victim's family members.

Postconviction, Hirschmann moved to modify the no-contact provision on his judgment of conviction to allow him to have contact with his children. After a hearing, the court granted Hirschmann's request and issued an amended judgment of conviction providing that he be allowed contact with his children in concert with the family court order.

The no-merit report considers two possible issues: (1) whether Hirschmann's pleas were not knowingly, intelligently, and voluntarily entered, or whether a factual basis was lacking; and (2) whether the circuit court erroneously exercised its discretion in sentencing him. As our review of the record satisfies us that the no-merit report thoroughly analyzes these issues and properly concludes that they are without merit, we address them no further.

Our review of the record discloses no other potential issues for appeal. Hirschmann's no-contest pleas waived the right to raise nonjurisdictional defects and defenses arising from

proceedings before entry of the pleas, including claimed violations of constitutional rights. *State v. Kraemer*, 156 Wis. 2d 761, 765, 457 N.W.2d 562 (Ct. App. 1990). We thus accept the no-merit report, affirm the judgment of conviction and discharge appellate counsel of the obligation to represent Hirschmann further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Catherine Malchow is relieved from further representing Hirschmann in this appeal. *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