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WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT III

August 24, 2021

To:

Hon. James A. Morrison
Circuit Court Judge
Electronic Notice

Sheila Dudka
Clerk of Circuit Court
Marinette County
Electronic Notice

Thomas Brady Aquino
Electronic Notice

Winn S. Collins
Electronic Notice

DeShea D. Morrow
Electronic Notice

Kareen Rashawn Hayes 594596
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2018AP2256-CRNM State of Wisconsin v. Kareen Rashawn Hayes
(L. C. No. 2016CF161)

Before Stark, P.J., Hruz and Gill, 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).

Kareen Hayes appeals from a drug conviction. Attorney Thomas Aquino has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2019-20).¹ The no-merit report sets forth the procedural history of the case and addresses Hayes's plea and sentence. Hayes was advised of his right to respond to the no-merit report, but he has not done so. Having independently reviewed the entire record as mandated by *Anders v.*

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

California, 386 U.S. 738, 744 (1967), we conclude that counsel will be allowed to withdraw and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

An amended Information charged Hayes with delivery of Schedule I or II narcotics as a second or subsequent offense and delivery of an imitation of a controlled substance, each as a repeat offender. The charges were based primarily upon information provided by a confidential informant and evidence gathered during and after controlled drug buys. Hayes pleaded guilty to the first count. In exchange, the State recommended the dismissal of the second count as a read-in offense and the dismissal of the repeater allegation, and it agreed to make a joint sentence recommendation for two years' initial confinement and three years' extended supervision. The circuit court accepted the plea after reviewing a plea questionnaire submitted by Hayes and conducting a thorough plea colloquy. The court subsequently exceeded the parties' joint recommendation, and it sentenced Hayes to five years' initial incarceration and three years' extended supervision, placing heavy emphasis on the damage the OxyContin epidemic is having on the community, and Hayes's history of violence.

We agree with counsel's description, analysis and conclusion that any challenge to Hayes's plea and sentence would lack arguable merit. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*.

Upon the foregoing,

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

IT IS FURTHER ORDERED that attorney Thomas Aquino is relieved of any further representation of Kareen Hayes 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