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DISTRICT II

October 23, 2024

To:

Hon. Timothy D. Boyle
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Jeremy Newman
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Anthony L. Walker, #711582
Racine Youthful Offender Corr. Facility
P.O. Box 44380
Racine, WI 53404

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

2024AP465-CRNM State of Wisconsin v. Anthony L. Walker (L.C. #2021CF978)

Before Gundrum, P.J., Neubauer and Grogan, 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).

Anthony L. Walker appeals from a judgment convicting him of second-degree sexual assault of a child as party to a crime. His appellate counsel filed a no-merit report pursuant WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Walker received a copy of the report, was advised of his right to file a response, and has not done so. Upon consideration of the report and an independent review of the Record, we conclude there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Walker was convicted following his guilty plea to second-degree sexual assault of a child as party to a crime. The charges stemmed from an incident in which Walker and his co-defendants took turns sexually assaulting an intoxicated girl who was fourteen years old. Walker admitted to his involvement in the assault, and DNA evidence confirmed his participation in the crime. The circuit court sentenced Walker to an aggregate term of sixteen years of imprisonment, consisting of eight years of initial confinement and eight years of extended supervision. This no-merit appeal follows.

The no-merit report addresses whether there would be any validity to an attempt by Walker to challenge the legitimacy of the plea. Our review of the Record establishes that the plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Walker was waiving, and other necessary matters. Walker also completed, signed, and filed with the circuit court a valid plea questionnaire and waiver of rights specifically laying out the terms, understandings, and consequences of Walker's plea. The Record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report also addresses whether the court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well-established and need not be repeated here. See *State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. The aggregate sentence of sixteen years was less than the twenty to twenty-two years of imprisonment that the State recommended in accordance with the plea agreement, and far less than the maximum potential penalty of forty years total imprisonment. There is no arguable merit to this issue.

Upon our independent review of the Record, we have found no other arguable basis for reversing the judgment of conviction. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Jeremy Newman is relieved of further representation of Anthony L. Walker in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals