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DISTRICT IV

February 20, 2025

To:

Hon. Richard A. Radcliffe
Circuit Court Judge
Electronic Notice

Heather Bravener
Clerk of Circuit Court
Clark County Courthouse
Electronic Notice

Colleen Marion
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Glen A. Fifer 713332
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2023AP774-CRNM State of Wisconsin v. Glen A. Fifer (L.C. # 2019CF84)

Before Kloppenburg, P.J., Nashold, and Taylor, 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).

Attorney Andrew Hinkel has filed a no-merit report seeking to withdraw as appellate counsel for appellant Glen A. Fifer.¹ See WIS. STAT. RULE 809.32 (2021-22)² and *Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses whether there would be arguable merit to a challenge to Fifer's plea or sentencing. Fifer was sent a copy of the report,

¹ Attorney Hinkel filed the no-merit report; however, Attorney Colleen Marion subsequently replaced Attorney Hinkel as the counsel of record.

² All references to the Wisconsin Statutes are to the 2021-22 version.

but has not filed a response. Upon our independent review of the no-merit report and the record, we agree with counsel’s assessment that there are no arguably meritorious appellate issues. We summarily affirm. *See* WIS. STAT. RULE 809.21.

The State charged Fifer with one count of first-degree sexual assault of a child under the age of thirteen and one count of repeated sexual assault of a child. Pursuant to a plea agreement, Fifer pled no contest to one count of second-degree sexual assault of a child and a less serious form of repeated sexual assault of a child. The circuit court sentenced Fifer to two consecutive terms of six years of initial confinement and ten years of extended supervision.

The no-merit report addresses whether there would be arguable merit to a challenge to Fifer’s pleas. Our review of the record—including the plea questionnaire/waiver of rights form, the jury instructions, and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking no-contest pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. These obligations exist specifically to help ensure the validity of a plea. We thus agree with appellate counsel’s conclusion in the no-merit report that there is no arguable merit to seeking plea withdrawal based on a claim that Fifer’s pleas were anything other than knowing, intelligent, and voluntary. The record does not establish that any other form of a manifest injustice exists. *See State v. Villegas*, 2018 WI App 9, ¶18, 380 Wis. 2d 246, 908 N.W.2d 198 (A defendant who seeks to withdraw a plea after sentencing must prove that the withdrawal is necessary to correct a manifest injustice.).

The no-merit report also addresses whether there would be arguable merit to a challenge to the sentence imposed by the circuit court. Sentencing is a matter for the court’s discretion. *See State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a

court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. It must also determine which objective or objectives are of greatest importance. *Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the court should consider several primary factors, including the protection of the public, the gravity of the offense, and the rehabilitative needs of the defendant, and it may consider additional factors. *Id.*, ¶¶43-44. The weight to be given to each factor is committed to the court's discretion. *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695.

Our review of the record confirms that the circuit court appropriately considered the relevant sentencing objectives and factors. The resulting sentences were within the potential maximums authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and are not so excessive so as to shock the public's sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our independent review of the record reveals no other potential issues of arguable merit.

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

IT IS FURTHER ORDERED that Attorney Colleen Marion is relieved of further representation of Glen A. Fifer 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