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DISTRICT II

May 7, 2025

To:

Hon. Daniel J. Bissett
Circuit Court Judge
Electronic Notice

Tara Berry
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

Erica L. Bauer
Electronic Notice

John Blimling
Electronic Notice

Andrew R. Franzen #416220
Kettle Moraine Correctional Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

2024AP1933-CRNM State of Wisconsin v. Andrew R. Franzen (L.C. #2022CF419)

Before Neubauer, Grogan, and Lazar, 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).

Andrew R. Franzen appeals from a judgment convicting him of repeated sexual assault of a child and incest. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Franzen received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude there are no

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Franzen was convicted following no contest pleas to repeated sexual assault of a child and incest. He was accused of and confessed to sexually assaulting his daughter on at least three occasions before she reached the age of ten. An additional charge of causing a child to view sexual activity was dismissed and read in. For his actions, the circuit court imposed an aggregate sentence of twenty years of initial confinement and twelve years of extended supervision. This no-merit appeal follows.

The no-merit report addresses several potential issues, including whether Franzen's pleas were validly entered, whether the circuit court properly exercised its discretion at sentencing, and whether Franzen's trial counsel was effective. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the record discloses no other potential issues for appeal.² Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Franzen further in this appeal.

Upon the foregoing reasons,

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

² We note that Franzen's pleas forfeited the right to raise nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.

IT IS FURTHER ORDERED that Attorney Erica L. Bauer is relieved of further representation of Andrew R. Franzen in this appeal. *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