



OFFICE OF THE CLERK
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 IV

June 12, 2025

To:

Hon. Troy L. Nielsen
Circuit Court Judge
Electronic Notice

Colleen Marion
Electronic Notice

Yvette Kienert
Clerk of Circuit Court
Waupaca County Courthouse
Electronic Notice

Carolyn Athena Hamilton 219748
Milwaukee Womens Corr. Center
615 W. Keefe Ave.
Milwaukee, WI 53212

John Blimling
Electronic Notice

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

2024AP331-CRNM

State of Wisconsin v. Carolyn Athena Hamilton
(L.C. # 2021CF144)

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 Colleen Marion, as appointed counsel for Carolyn Hamilton, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Hamilton with a copy of the report, and both counsel and this court advised Hamilton of her right to file a response. Hamilton has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our

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

independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Hamilton pled no contest to one felony count of second-degree recklessly endangering safety and one misdemeanor count of causing injury while operating a vehicle while under the influence of an intoxicant. On the endangering safety count, the court imposed a sentence of thirty months of initial confinement and thirty months of extended supervision. It imposed a lesser, concurrent sentence on the injury count.

The no-merit report addresses whether Hamilton's pleas were entered knowingly, voluntarily, and intelligently. 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 Hamilton was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses Hamilton's sentences. Hamilton moved for resentencing on the ground that a new factor existed, in the form of information about her substance use treatment in the community before sentencing. The circuit court denied the motion after concluding that this was not a new factor, but even if it were, it was not a ground for resentencing because the sentencing court's focus was mainly on the gravity of the offense. The no-merit report concludes that it would be frivolous to argue that the court erroneously exercised its discretion with respect to the second part of the test. We agree that there is no arguable merit to this issue.

Beyond that, as explained in the no-merit report, the sentences are within the legal maximums. As to discretionary issues, the standards for the circuit court and this court 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. There is no arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment of conviction and order denying postconviction relief are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Marion is relieved of further representation of Hamilton 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