

FILED

JAN 14 2022

**CLERK OF SUPREME COURT
OF WISCONSIN**

**STATE OF WISCONSIN
SUPREME COURT
CASE NO(S) 2021AP000023 - CR**

**STATE OF WISCONSIN,
Plaintiff-Respondent,**

V.

**CATHERINE R. BARKER,
Defendant-Petitioner.**

**ON PETITION FOR REVIEW OF AN ORDER OF
THE COURT OF APPEALS, DISTRICT III,
AFFIRMING A JUDGMENT OF CONVICTION
ENTERED IN THE CIRCUIT COURT FOR
SHAWANO COUNTY, THE HONORABLE
WILLIAM F. KUSSEL, JR, PRESIDING**

NO-MERIT PETITION FOR REVIEW

**MARK A. SCHOENFELDT
ATTORNEY FOR DEFENDANT-APPELLANT
342 N. WATER STREET SUITE 600
MILWAUKEE, WI 53202
(414) 272-2860
STATE BAR NO.: 1010748**

**STATE OF WISCONSIN
 SUPREME COURT
 CASE NO(S) 2021AP000023 - CR**

**STATE OF WISCONSIN,
 Plaintiff-Respondent,**

V.

**CATHERINE R. BARKER,
 Defendant-Petitioner.**

**ON PETITION FOR REVIEW OF AN ORDER OF
 THE COURT OF APPEALS, DISTRICT III,
 AFFIRMING A JUDGMENT OF CONVICTION
 ENTERED IN THE CIRCUIT COURT FOR
 SHAWANO COUNTY, THE HONORABLE
 WILLIAM F. KUSSEL, JR, PRESIDING**

NO-MERIT PETITION FOR REVIEW

STATEMENT OF THE CASE

On June 4, 2019, the defendant, Catherine R. Barker, appeared before that branch of the circuit court for Shawano County presided over by the Honorable William F. Kussell, Jr. to enter pleas of no contest to one count of Failure to Report Death of Child, a violation of Wisconsin Statutes section 948.23(1)(b); and one count of Attempt Move/Hide/Bury Corpse of Child, a violation of Wisconsin Statutes section 948.23(2).

On September 10, 2019, the defendant, Catherine R. Barker, again appeared before that branch of the circuit court for Shawano County presided over by the Honorable William F. Kussel, Jr. for sentencing. The court imposed a bifurcated sentence of 1 year, six months initial confinement and 2 years extended supervision in connection with the charge of Failure to Report Death of Child, and a concurrent sentence of 4 Years, 6 Months initial confinement and 5 years extended supervision in connection with the charge of Attempt Move/Hide/Bury Corpse of Child. (R. 45-1-2; A. App. 101-102) Subsequently, on May 5, 2020, this sentence was modified to 3 Years, 9 Months initial confinement and 2 years six months extended supervision. (R. 52-1-2; A. App. 103-104)

Ms. Barker is currently incarcerated at the Robert C. Ellsworth Center in Union Grove, Wisconsin. She brought a Motion for Post-Conviction Relief (R. 56-1) and Supporting Brief (R. 57-1-14), which was denied, due to the passage of time limits, by an Order dated December 16, 2020. (R. 62-1; A. App. 105) This appeal followed.

On December 28, 2021, the Court of Appeals, District III, entered a Decision and Order affirming the Judgment of Conviction. (Pet. App. 101-103) The defendant-petitioner was advised of her right to Petition for Review. The defendant-petitioner has not advised counsel whether she wishes counsel to file a No Merit Petition for Review pursuant to Wisconsin State Statute § 809.32(4). This No Merit Petition for Review is, therefore, filed pursuant to Wisconsin State Statute § 809.32(4) in order to protect the defendant-petitioner's rights.

Dated this 11th day of January, 2022.

Mark A. Schoenfeldt
Attorney for the defendant-petitioner

P.O. Address:
342 N. Water Street Suite 600
Milwaukee, WI 53202
(414) 272-2860

CERTIFICATION

I hereby certify that this brief conforms to the rules contained in sec. 809.19(8)(b) and (c) for a brief and appendix produced with a proportionally spaced font. The length of the brief is 336 words.

Mark A. Schoenfeldt
Attorney for the defendant-petitioner

P.O. Address:
342 N. Water Street Suite 600
Milwaukee, WI 53202
(414) 272-2860

**CERTIFICATE OF COMPLIANCE WITH
WIS. STAT. § 809.19(12)**

I hereby certify that:

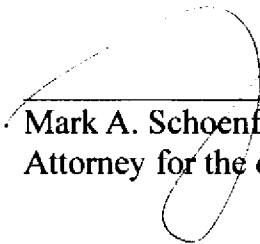
I have submitted an electronic copy of this brief, excluding the appendix, if any, which complies with the requirements of Wis. Stat. § 809.19(12).

I further certify that:

This electronic brief is identical in content and format to the printed form of the brief filed as of this date.

A copy of this certificate has been served with the paper copies of this brief filed with the court and served on all opposing parties.

Dated this 11th day of January, 2022.



 Mark A. Schoenfeldt

 Attorney for the defendant-petitioner

P.O. Address:

 342 N. Water Street Suite 600

 Milwaukee, WI 53202

 (414) 272-2860

CERTIFICATE OF COMPLIANCE WITH
WIS. STAT. § 809.32(4)(d)

I hereby certify that:

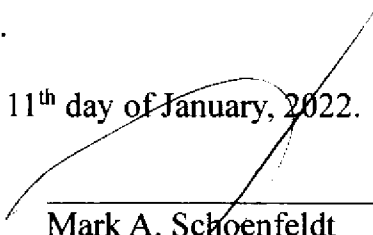
I have served a copy of this brief and appendix upon the defendant-petitioner.

I further certify that:

This brief is identical in content and format to the printed form of the brief filed as of this date.

A copy of this certificate has been served with the paper copies of this brief filed with the court and served on all opposing parties.

Dated this 11th day of January, 2022.



 Mark A. Schoenfeldt

 Attorney for the defendant-petitioner

P.O. Address:

 342 N. Water Street Suite 600

 Milwaukee, WI 53202

 (414) 272-2860



•

•

•

•