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DISTRICT IV

February 22, 2024

To:

Hon. Martin J. De Vries
Circuit Court Judge
Electronic Notice

Kelly Enright
Clerk of Circuit Court
Dodge County Justice Facility
Electronic Notice

Gregory Bates
Electronic Notice

Kurt F. Klomberg
Electronic Notice

Bobby R. Buechel 314295
New Lisbon Correctional Inst.
P.O. Box 2000
New Lisbon, WI 53950-2000

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

2022AP1591-CRNM State of Wisconsin v. Bobby R. Buechel (L.C. # 2019CM230)

Before Kloppenburg, P.J.¹

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 Gregory Bates, appointed counsel for Bobby Buechel, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Buechel was sent a copy of the report and has not filed a response. Upon consideration of the report and an independent review of the record, I conclude that there is no arguable merit to any issue that could be raised on appeal. Accordingly, I affirm.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Buechel was charged with one count of telephone harassment and one count of disorderly conduct, both as a repeater. The charges were based on allegations that Buechel made a profane and threatening call to his probation agent that resulted in a lockdown of a probation and parole office. The case proceeded to a jury trial, and the jury found Buechel guilty of both charges. The circuit court imposed consecutive sentences consisting of one year of initial confinement and one year of extended supervision on each charge.

The no-merit report addresses whether there is arguable merit to challenging the sufficiency of the evidence. I agree with counsel that there is no arguable merit to this issue. This court will not overturn a conviction “unless the evidence, viewed most favorably to the state and the conviction, is so insufficient in probative value and force that it can be said as a matter of law that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” See *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Without reciting all of the evidence here, this court is satisfied that it was sufficient.

The no-merit report also addresses whether there is arguable merit to pursuing issues relating to charging, pretrial motions, jury selection, opening statements, Buechel’s decision not to testify, the jury instructions, closing arguments, sentencing, and a postconviction claim relating to Buechel’s competency. This court is satisfied that the report properly analyzes each of these issues as having no arguable merit.

This court’s review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Gregory Bates is relieved of any further representation of Bobby Buechel 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