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**DISTRICT II**

July 10, 2024

To:

Hon. Laura J. Lavey  
Circuit Court Judge  
Electronic Notice

Michelle Weber  
Clerk of Circuit Court  
Fond du Lac County Courthouse  
Electronic Notice

Leo Draws  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

David M. Schrode, #718001  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

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2024AP113-CRNM      State of Wisconsin v. David M. Schrode (L.C. #2021CF1024)

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).**

David M. Schrode appeals from a judgment convicting him of first-degree child sexual assault. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Schrode 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

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

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

Schrode was convicted following a no contest plea to first-degree child sexual assault. He was accused of having sexual contact with a nine-year-old girl. Several additional charges were dismissed and read in.<sup>2</sup> For his actions, the circuit court imposed a sentence of ten years of initial confinement and six years of extended supervision. This no-merit appeal follows.

The no-merit report addresses the propriety of the plea and sentence and whether grounds exist to challenge either one. 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.<sup>3</sup>

Our review of the Record discloses no other potential issues for appeal.<sup>4</sup> Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Schrode further in this appeal.

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<sup>2</sup> The dismissed and read-in charges were two counts of first-degree child sexual assault and one count of child enticement.

<sup>3</sup> There is one exception to this. During the plea colloquy, the circuit court failed to provide the deportation warning required by WIS. STAT. § 971.08(1)(c). This failure does not present a potentially meritorious issue for appeal, as there is no indication that Schrode's plea is likely to result in his deportation, exclusion from admission to this country, or denial of naturalization.

<sup>4</sup> We note that Schrode's plea forfeited the right to raise other 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.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Leo Draws is relieved of further representation of David M. Schrode in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*