



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](http://www.wicourts.gov)

**DISTRICT III**

April 15, 2014

To:

Hon. Jill N. Falstad  
Circuit Court Judge  
Marathon County Courthouse  
500 Forest St.  
Wausau, WI 54403-5554

Diane L. Sennholz  
Clerk of Circuit Court  
Marathon County Courthouse  
500 Forest St.  
Wausau, WI 54403

Kenneth J. Heimerman  
District Attorney  
Marathon County Courthouse  
500 Forest St.  
Wausau, WI 54403-5554

Donald T. Lang  
Asst. State Public Defender  
P. O. Box 7862  
Madison, WI 53707-7862

Gregory M. Weber  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Samuel A. Shepler  
1325B Townline Road  
Wausau, WI 54403

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

---

2013AP2582-CRNM      State of Wisconsin v. Samuel A. Shepler (L. C. #2012CF62)

Before Hoover, P.J., Mangerson and Stark, JJ.

Counsel for Samuel Shepler filed a no-merit report concluding there is no arguable basis for Shepler to withdraw his no contest plea or challenge the sentence imposed for second-degree sexual assault of a child. Shepler was advised of his right to respond to the report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable basis for appeal.

The complaint charged Shepler with two counts of first-degree sexual assault of a child and one count of exposing genitals. Pursuant to a plea agreement, Shepler entered a no contest

plea to one count of second-degree sexual assault of a child and the remaining counts were dismissed. The parties presented a joint sentence recommendation of a withheld sentence and ten years' probation, with one year in jail as a condition of probation, three months of the jail term stayed, and credit for 229 days against the remaining nine months. The court imposed the recommended sentence.

Before the preliminary hearing, Shepler's counsel questioned his competency to proceed. The court ordered an examination by Dr. Michael Galli, who concluded Shepler was competent to stand trial. That conclusion was not challenged and nothing in the record suggests that Shepler was unable to understand the charges or proceedings or participate in his defense.

The record discloses no arguable manifest injustice upon which Shepler could withdraw his no contest plea. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy, supplemented by a plea questionnaire and waiver of rights form with the jury instructions attached, informed Shepler of the elements of the offense, the potential penalties and the constitutional rights he waived by pleading no contest. As required by *State v. Hampton*, 2004 WI 117, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, the court informed Shepler it was not bound by the parties' sentence recommendations. Shepler assured the court his plea was not the product of any threats or promises. The record shows the plea was knowingly, voluntarily and intelligently entered. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986).

The record also discloses no arguable basis for challenging the sentence. A defendant may not challenge a sentence that he asked the court to impose. *State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989).

Our independent review of the record discloses no other potential issue for appeal.  
Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21  
(2011-12).

IT IS FURTHER ORDERED that attorney Donald Lang is relieved of his obligation to  
further represent Shepler in this matter. WIS. STAT. RULE 809.32(3) (2011-12).

---

*Diane M. Fremgen*  
*Clerk of Court of Appeals*