



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 II**

April 30, 2014

To:

Hon. Mark R. Rohrer  
Circuit Court Judge  
Manitowoc County Courthouse  
1010 S 8th St  
Manitowoc, WI 54220

Teresa A. Shebesta  
Juvenile Clerk  
Manitowoc County Courthouse  
1010 S. 8th Street  
Manitowoc, WI 54220-5380

Paul G. Bonneson  
Law Offices of Paul G. Bonneson  
631 N. Mayfair Rd.  
Wauwatosa, WI 53226

Ryan O'Rourke  
Manitowoc County Corporation Counsel  
1010 S. 8th St.  
Manitowoc, WI 54220-4534

Alison C. Petri  
Steimle Birschbach LLC  
P.O. Box 2225  
Manitowoc, WI 54221-2225

Rhonda W.  
508-A S. 25th St.  
Manitowoc, WI 54220

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

---

2014AP91-NM

In re the termination of parental rights to Reyana W.-R., a person under the age of 18: Manitowoc County HSD v. Rhonda W. (L.C. #2013TP1)

Before Gundrum, J.<sup>1</sup>

Rhonda W. appeals from a circuit court order terminating her parental rights to Reyana W.-R. Appellate counsel for Rhonda filed a no-merit report pursuant to WIS. STAT. RULES 809.107(5m) and 809.32. Rhonda received a copy of the report, was advised of her right to

---

<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2011-12). All references to the Wisconsin Statutes are to the 2011-12 version.

file a response, and has elected not to do so. Based upon an independent review of the report and record, this court concludes that no issue of arguable merit could be raised on appeal. We therefore summarily affirm the order. *See* WIS. STAT. RULE 809.21.

The Manitowoc County Human Services Department petitioned to terminate Rhonda's parental rights on the ground that Reyana was a child in continuing need of protection or services (continuing CHIPS). WIS. STAT. § 48.415(2)(a). A jury found the ground for termination, and the circuit court subsequently terminated Rhonda's parental rights after a dispositional hearing.

The no-merit report addresses the following issues: (1) whether the evidence at Rhonda's trial was sufficient to support the jury's verdict, (2) whether the circuit court properly exercised its discretion at disposition by terminating Rhonda's parental rights, and (3) whether the circuit court judge correctly decided not to disqualify himself from the proceedings. We agree with appellate counsel that these issues would not have arguable merit for appeal.

With respect to the sufficiency of the evidence, we must consider the evidence in a light most favorable to the jury's verdict. *Tammy W-G. v. Jacob T.*, 2011 WI 30, ¶39, 333 Wis. 2d 273, 797 N.W.2d 854. Our review of the trial transcripts persuades us that Manitowoc County produced ample evidence to prove the continuing CHIPS ground. That is, it showed that (1) Reyana had been adjudged to be in need of protection or services and placed outside the home for a cumulative total period of six months or longer pursuant to one or more court orders containing the termination of parental rights notice required by law, (2) Manitowoc County made a reasonable effort to provide the services that were ordered by the court, (3) Rhonda failed to meet the conditions established for the safe return of Reyana to Rhonda's home, and (4) there

was a substantial likelihood that Rhonda would not meet the conditions of return within the nine month period following the conclusion of the hearing. *See* WIS. STAT. § 48.415(2)(a).

With respect to the circuit court’s decision at disposition to terminate Rhonda’s parental rights, the record demonstrates that the court properly exercised its discretion. The court’s determination of whether to terminate parental rights is discretionary. *State v. Margaret H.*, 2000 WI 42, ¶27, 234 Wis. 2d 606, 610 N.W.2d 475. Under WIS. STAT. § 48.426(2), the “best interests of the child” is the prevailing standard, and the court is required to consider the factors delineated in § 48.426(3) in making this determination. *Margaret H.*, 234 Wis. 2d 606, ¶¶34-35. Here, the circuit court’s remarks reflect that it considered the appropriate factors. Those factors weighed in favor of a determination that it was in the best interests of Reyana to terminate Rhonda’s parental rights.

Finally, with respect to the circuit court judge’s decision not to disqualify himself, Rhonda’s claim for recusal was based on WIS. STAT. § 757.19(2)(g).<sup>2</sup> The basis for disqualification under that statute is a subjective one. *State v. American TV & Appliance of Madison, Inc.*, 151 Wis. 2d 175, 186, 443 N.W.2d 662 (1989). When, as here, a judge determines that he is impartial and can rule fairly in the matter or proceeding, our supreme court has explained that § 757.19(2)(g) does not require disqualification. *See American TV & Appliance*, 151 Wis. 2d at 186.

---

<sup>2</sup> Rhonda argued that the circuit court judge should disqualify himself because, prior to being a judge, he had prosecuted Rhonda in criminal cases. The judge indicated that he was familiar with Rhonda through his past employment as a prosecutor and that “the information I gained from her is not pertinent to this case.” The judge then made the subjective determination that he would perform his role at the jury trial in “due diligence” and would act objectively should there be a dispositional hearing.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Paul G. Bonneson of further representation in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the order terminating Rhonda W.'s parental rights is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Paul G. Bonneson is relieved of any further representation of Rhonda W. in this matter. *See* WIS. STAT. RULE 809.32(3).

---

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