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**DISTRICT II**

June 4, 2014

To:

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

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2014AP265-NM

In re the commitment of Shawn Van Zile: State of Wisconsin v.  
Shawn Van Zile (L.C. #1995CV1000)

Before Brown, C.J., Neubauer, P.J., and Gundrum, J.

Shawn Van Zile appeals from an order denying his petition for discharge from his commitment as a sexually violent person under WIS. STAT. ch. 980. Van Zile's appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Van Zile 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

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

independent review of the record, we conclude that the order may be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Van Zile was originally committed under WIS. STAT. ch. 980 in 1996. The petition for discharge that is the subject of this appeal was filed April 3, 2013. A jury trial was conducted. Only two witnesses testified, Dr. Barahal, the State's expert, and Hollida Wakefield, Van Zile's expert. There was no dispute that Van Zile had been convicted of a sexually violent offense and that he has a mental disorder which predisposes him to engage in acts of sexual violence. The experts disagreed on whether Van Zile's mental disorder makes it more likely than not that he will engage in one or more acts of sexual violence if discharged from his commitment. *See* WIS. STAT. § 980.01(1m), (7). The jury found that Van Zile was a sexually violent person and the discharge petition was denied.

The no-merit report addresses the following potential issues: whether the evidence was sufficient to sustain the jury's verdict, whether jury instruction WIS JI—CRIMINAL 2506 (2012) should have been modified as Van Zile requested to remove references to the jury deciding whether he was "still" a sexually violent person, and whether venue was proper in Winnebago county. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and this court will not discuss them further.

The no-merit report also indicates that counsel reviewed jury selection and opening and closing arguments and found no potential errors. No objections were made to those portions of the trial and we agree that nothing objectionable occurred. The circuit court properly exercised its discretion on the few evidentiary objections made during the trial. In light of the evidence at

trial, the circuit court also properly denied Van Zile's request to limit the jury instruction description of what constitutes sexually violent offenses to just sexual contact or intercourse with a child.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the order and discharges appellate counsel of the obligation to represent Van Zile further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the order denying the petition for discharge is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Donald T. Lang is relieved from further representing Shawn Van Zile in this appeal. *See* WIS. STAT. RULE 809.32(3).

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