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**DISTRICT IV**

December 19, 2014

To:

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Circuit Court Judge  
Clark County Courthouse  
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David J. R.  
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You are hereby notified that the Court has entered the following opinion and order:

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2013AP1584-NM

In the interest of David J. R., a person under the age of 17: State of Wisconsin v. David J. R. (L.C. # 2012JV25)

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

David J.R. appeals from an order adjudicating him delinquent, after David's admission, for one count of second-degree sexual assault. *See* WIS. STAT. § 940.225(2)(a). John Bachman, David's appellate counsel, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32, and *Anders v. California*, 386 U.S. 738 (1967). The no-merit report addresses the validity of

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

David's admission and the court's disposition of the case. David was sent a copy of the report, but has not filed a response. Upon consideration of the report and an 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. WIS. STAT. RULE 809.21.

On December 27, 2012, the State filed a delinquency petition, alleging that David committed one count of repeated sexual assault of a child and two counts of second-degree sexual assault. The charges arose from allegations that David had sexual intercourse on multiple occasions with a fifteen-year-old girl. David entered an admission to one count of second-degree sexual assault pursuant to a negotiated plea agreement, the terms of which were stated in open court. In exchange for David's plea, the State agreed to dismiss and read in the other two counts. The parties did not agree to make any specific recommendations with respect to disposition.

Upon our independent review of the record, we agree with counsel's assessment that there would be no merit to challenging David's admission on appeal. David executed a plea questionnaire and waiver of rights form in which he acknowledged the constitutional rights he waived by entering an admission. At the plea hearing, the juvenile court ascertained that David understood the form he signed, the elements of the offense, the constitutional rights he was waiving, and the possibility that the court could place him in the juvenile corrections program. See *State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (plea questionnaire form can be sufficient to obtain a valid waiver where the record shows, through colloquy, an understanding by the defendant of the implications of signing the form). The court therefore followed the procedure for accepting a plea, as set out in *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986), and *State v. Hampton*, 2004 WI 107, ¶20, 274 Wis. 2d 379,

683 N.W.2d 14. We are satisfied that there is no basis to challenge whether David's plea was knowingly, voluntarily, and intelligently entered.

We also agree with David's counsel that there would be no arguable merit to challenging the disposition of the case. The court ordered David to placement in juvenile corrections for a period not to exceed two years, designating Lincoln Hills School as the reception facility. The court also ordered that David provide a DNA sample, register as a sex offender, and not engage in any occupational or voluntary work that requires interaction with children under the age of sixteen.

We review a circuit court's dispositional order for an erroneous exercise of discretion. *State v. Richard J.D.*, 2006 WI App 242, ¶5, 297 Wis. 2d 20, 724 N.W.2d 665. In determining a disposition, the circuit court is to consider the seriousness of the offense, the need to protect the community from juvenile crime, the need to prevent further delinquent acts, and the juvenile's needs for care and treatment. *Id.*, ¶13. The court did so here, noting the serious nature of the crime and David's moderate to high risk of reoffending. The court also considered David's character, noting his anger issues and tendency to avoid rules and attempt to escape consequences. The court concluded that restrictive custodial treatment was necessary in order to protect the public. The disposition imposed by the court was within the range permitted by statute. *See* WIS. STAT. § 938.34(4m), (15m). In light of the circuit court's reasoning stated on the record, we are satisfied that the court properly exercised its discretion in entering its dispositional order, such that any challenge to that order on appeal would be without merit.

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney John Bachman is relieved of any further representation of David in this matter pursuant to WIS. STAT. RULE 809.32(3).

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