



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 I**

January 4, 2017

To:

Hon. Dennis P. Moroney  
Circuit Court Judge  
Milwaukee County Courthouse  
901 N. 9th St.  
Milwaukee, WI 53233

John Barrett  
Clerk of Circuit Court  
Room 114  
821 W. State Street  
Milwaukee, WI 53233

Russell D. Bohach  
P. O. Box 485  
Butler, WI 53007

Karen A. Loebel  
Asst. District Attorney  
821 W. State St.  
Milwaukee, WI 53233

Criminal Appeals Unit  
Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857

Lynnott Rogers  
Sand Ridge Secure Treatment Center  
P.O. Box 800  
Mauston, WI 53948

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

---

2016AP56-NM

In re the commitment of Lynnott Rogers:  
State of Wisconsin v. Lynnott Rogers (L.C. # 2011CI2)

Before Brennan, P.J., Kessler and Brash, JJ.

Lynnott Rogers appeals an order committing him as a sexually violent person under WIS. STAT. ch. 980 (2015-16).<sup>1</sup> Rogers' appellate counsel has filed a no-merit report pursuant to WIS. STAT. § 980.038(4)(a), and WIS. STAT. RULE 809.32. Rogers received a copy of the report and was advised of his right to file a response, but he did not respond. After considering the report and conducting an independent review of the record, we summarily affirm the judgment and

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

order committing Rogers because there are no issues that would have arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

The no-merit report addresses whether there was sufficient evidence to support the jury's determination that Rogers was a sexually violent person who is an appropriate subject for treatment under WIS. STAT. CH. 980. A "[s]exually violent person' means a person who has been convicted of a sexually violent offense ... and who is dangerous because he or she suffers from a mental disorder that makes it likely that the person will engage in one or more acts of sexual violence." WIS. STAT. § 980.01(7).

The State established that Rogers was convicted of second-degree sexual assault in 1996. Rogers' supervising agent from the Department of Corrections, Christopher Gomes, testified that Rogers also engaged in various other sexual assaults, some of which were charged and some of which were not charged. Dr. Melissa Westendorf, the State's psychological expert, testified that Rogers suffers from two mental disorders, a delusional disorder, persecutory type, and a personality disorder with antisocial and paranoid characteristics. Dr. Westendorf testified that Rogers' mental conditions made it more likely than not that he would engage in acts of violence in the future. Dr. Westendorf detailed for the jury the basis for her opinions and discussed the various risk assessment instruments and other factors she considered in evaluating Rogers. Based on Dr. Westendorf's testimony, there was sufficient evidence for the jury to conclude that Rogers was a sexually violent person appropriate for commitment under ch. 980. *See* WIS. STAT. § 980.05.

Our independent review of the record does not disclose any arguably meritorious issues for appeal. Because we conclude that there is no arguable merit to any issue that could be raised

on appeal, we affirm the judgment and order committing Rogers under WIS. STAT. CH. 980 and relieve Attorney Russell D. Bohach from further representation of Rogers.

IT IS ORDERED that the judgment and order of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Russell D. Bohach is relieved from further representation of Lynnott Rogers in this matter.

---

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