



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

DISTRICT I/II

May 3, 2017

To:

Hon. Dennis R. Cimpl
Circuit Court Judge
Children's Court Center
10201 W. Watertown Plank Rd.
Wauwatosa, WI 53226

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

Leonard D. Kachinsky
Kachinsky Law Offices
832 Neff Crt.
Neenah, WI 54956-0310

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

Rickey N. Gray 990281
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:

2016AP1424-NM	In re the commitment of Rickey N. Gray: State of Wisconsin v. Rickey N. Gray (L.C. # 1999CI5)
2016AP2375-NM	In re the commitment of Rickey N. Gray: State of Wisconsin v. Rickey N. Gray (L.C. # 1999CI5)

Before Reilly, P.J., Gundrum and Hagedorn, JJ.

Rickey N. Gray appeals from an order denying his petition for discharge from his commitment as a sexually violent person under WIS. STAT. CH. 980 (2015-16),¹ and from an order denying him supervised release. His appellate counsel, Leonard D. Kachinsky, filed a no-

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

merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32. Gray was notified of his right to respond but he has not done so. This court has considered the no-merit report and independently reviewed the records. Because we conclude that no arguably meritorious issue could be raised on appeal, we summarily affirm the orders. *See* WIS. STAT. RULE 809.21(1).

Gray was committed as a sexually violent person in 2001. In 2014, he filed a petition pursuant to WIS. STAT. § 980.09 for discharge from his commitment at Sand Ridge Secure Treatment Center. A trial to the court was held. The circuit court denied Gray's petition for discharge and later determined that Gray was not entitled to supervised release.

The no-merit report addresses whether Gray could raise an arguably meritorious challenge to the sufficiency of the evidence that he remains a sexually violent person and that he did not meet the criteria for supervised release. The report sets forth the proper burden of proof, the elements the State needed to prove, and the standard of review. It summarizes the expert testimony, including the opinion of the defense expert, and the circuit court's findings. 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.

Our independent review of the record discloses no other potentially meritorious issues warranting additional discussion. Accordingly, we accept the no-merit report, affirm the orders, and discharge appellate counsel of the obligation to represent Gray further in these appeals. Therefore,

IT IS ORDERED that the orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Leonard D. Kachinsky is relieved of any further representation of Rickey N. Gray in these appeals. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published and may not be cited under WIS. STAT. RULE 809.23(3)(b).

Diane M. Fremgen
Clerk of Court of Appeals