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**DISTRICT IV**

January 29, 2018

To:

Hon. Michael J. Rosborough  
Circuit Court Judge  
Vernon County Courthouse  
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Clerk of Circuit Court  
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Cody L. Dvorak 638379  
Stanley Corr. Inst.  
100 Corrections Drive  
Stanley, WI 54768

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

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2016AP2507-CRNM      State of Wisconsin v. Cody L. Dvorak (L.C. # 2015CF23)

Before Lundsten, P.J., Sherman and Blanchard, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Attorney Kara Mele, appointed counsel for Cody Dvorak, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Mele has

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

since been replaced by Attorney Jeremy Perri. Counsel provided Dvorak with a copy of the report, and both counsel and this court advised him of his right to file a response. Dvorak has not responded. After our independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Dvorak pled no contest to one count of first-degree sexual assault of a child. The court accepted his plea and found Dvorak guilty. The court imposed a sentence of six years of initial confinement and six years of extended supervision.

In an order of November 22, 2017, we ordered counsel to further address the fact that the plea colloquy did not include the required immigration warning. Counsel has now submitted a supplemental no-merit report concluding that there is no factual basis to pursue such a claim. The conclusion is supported by an affidavit by counsel stating that Dvorak has informed counsel that he is a citizen. There is no arguable merit to this issue.

Beyond that, the plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Dvorak was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to a challenge to Dvorak's plea.

The no-merit report addresses whether the court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Jeremy Perri is relieved of further representation of Cody Dvorak in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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