



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 III

May 22, 2018

To:

Hon. James M. Peterson
Circuit Court Judge
615 Stokke Parkway
Menomonie, WI 54751

Edye Hackbarth
Juvenile Clerk
Dunn County Judicial Center
615 Stokke Parkway, Suite 1300
Menomonie, WI 54751

Philip J. Brehm
23 W. Milwaukee St., Ste. 200
Janesville, WI 53548

Andrea Amidon Nodolf
District Attorney
615 Stokke Parkway, Suite 1700
Menomonie, WI 54751-2700

R. N. R.
E. 4376 451st Ave.
Menomonie, WI 54751

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

2018AP173-NM

State of Wisconsin v. R.N.R. (L. C. No. 2016JV49)

Before Stark, P.J.¹

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).

R.N.R. appeals from an order finding him delinquent for having committed the crime of criminal damage to property. R.N.R.'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). R.N.R.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

received a copy of the report, was advised of his right to file a response, and has not done so. 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. *See* WIS. STAT. RULE 809.21.

A delinquency petition was filed alleging that R.N.R. had damaged a mailbox. After R.N.R. denied the allegation, the circuit court conducted a fact-finding hearing. A homeowner testified that at 7:30 a.m. he found his mailbox knocked over and the mounting post split. He also found mail ripped open and scattered in the street. Two teenagers who had been with R.N.R. that same morning testified that, as they walked along the road, R.N.R. removed mail from people's mailboxes, opened the mail, and hit a couple of mailboxes. One of the teenagers saw a mailbox fall off its post after R.N.R. hit it. The circuit court found that R.N.R. had committed criminal damage to property. At the January 27, 2017 disposition hearing, R.N.R.'s grandmother² asserted that R.N.R. was innocent, and she suggested that his trial counsel had been ineffective in not presenting evidence and in questioning the teenagers about inconsistencies in their testimony. The circuit court directed that her complaint was something to be addressed postjudgment by new counsel. The circuit court ordered R.N.R. to be under court supervision for one year, to be placed in his grandmother's home, and to pay restitution of eighty-five dollars.

The no-merit report addresses the potential issues of whether there was sufficient evidence to find that R.N.R. had committed criminal damage to property, whether the circuit

² R.N.R.'s grandmother is his guardian.

court conducted an adequate colloquy regarding R.N.R.'s decision not to testify, whether the circuit court erroneously exercised its discretion in determining the disposition, and whether counsel was ineffective at the fact-finding hearing. 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 explains the postdisposition inquiry that R.N.R.'s appointed counsel made concerning the complaint about trial counsel's performance, including the discovery of photos showing the damaged mailbox. Nothing in the record or reported by counsel suggests a viable claim that trial counsel was ineffective in cross-examination of the teenagers. There is no suggestion in the record of unrepresented evidence that would have supported R.N.R.'s innocence. Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the delinquency order, and discharges appellate counsel of the obligation to represent R.N.R. further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Philip J. Brehm is relieved from further representing R.N.R. in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals