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DISTRICT I

**Amended July 20, 2018, as to circuit
court case number.**

July 11, 2018

To:

Hon. Dennis P. Moroney
Circuit Court Judge
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Clerk of Circuit Court
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Department of Justice
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You are hereby notified that the Court has entered the following opinion and order:

2016AP1920-NM

In re the commitment of David Joseph Clark:
State of Wisconsin v. David Joseph Clark (L.C. # 2005CI2)

Before Kessler, P.J, Brash and Dugan, 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).

David Joseph Clark appeals an order committing him as a sexually violent person under WIS. STAT. ch. 980 (2015-16).¹ Clark's appellate counsel has filed a no-merit report pursuant to

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

WIS. STAT. § 980.038(4) and WIS. STAT. RULE 809.32. Clark received a copy of the report and was advised of his right to file a response. He has not done so. After considering the report and conducting an independent review of the record, we conclude that there are no issues which would have arguable merit for appeal. Therefore, we affirm. *See* WIS. STAT. RULE 809.21.

The no-merit report addresses whether there was sufficient evidence to support the commitment order. The trial testimony established that the petition for commitment under ch. 980 was filed before Clark's release date, and was, therefore, timely. *See* WIS. STAT. § 980.02(1m). Our review of the trial testimony shows that there is adequate evidence to support the jury's determination that Clark is a sexually violent person. *See* WIS. STAT. § 980.05(3)(a) and WIS. STAT. § 980.01(7) (a sexually violent person is someone who has been convicted of a sexually violent offense and is dangerous because he has "a mental disorder that makes it likely that [he] will engage in one or more acts of sexual violence"). Therefore, the circuit court properly determined that Clark should be committed for control, care and treatment until he is no longer a sexually violent person. *See* WIS. STAT. § 980.06.

Our independent review of the record does not disclose any other 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 commitment order and relieve Attorney Bohach of further representation of Clark in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the 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 of further representation of David Joseph Clark in this matter.

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

Sheila T. Reiff
Clerk of Court of Appeals