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**DISTRICT III**

January 8, 2019

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Robin D. Hanson  
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Madison, WI 53704

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

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2017AP122-CRNM      State of Wisconsin v. Robin D. Hanson (L. C. No. 2012CF92)

Before Stark, P.J., Hruz and Seidl, 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).**

Counsel for Robin Hanson has filed a no-merit report concluding there is no basis to challenge an Order on Petition to Revoke Conditional Release (Not Guilty by Reason of Mental Disease or Defect). Hanson was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967),

we conclude there is no arguable merit to any issue that could be raised on appeal and summarily affirm. *See* WIS. STAT. RULE 809.21 (2015-16).<sup>1</sup>

Hanson was criminally charged with having sexual contact or sexual intercourse on three or more separate occasions with a minor less than thirteen years of age. Hanson allegedly touched the penis and buttocks of a nine-year-old victim and also engaged in anal intercourse with him. The issue of Hanson's competency was raised during pretrial proceedings, and Hanson was subsequently found incompetent to proceed, but likely to regain competency. He was then committed to the Wisconsin Department of Health Services (DHS) for an indeterminate term not to exceed twelve months. Several months later, the DHS filed an updated evaluation with an opinion that Hanson still lacked the ability to understand the proceedings, that he could not yet assist in his own defense, and that he remained not competent but likely to regain competency.

An order for examination was subsequently filed. The resulting report filed in support of a plea of not guilty by reason of mental disease or defect found Hanson's mental illness prevented him from appreciating the wrongfulness of his conduct and created the conditions that prevented him from conforming his conduct to the requirements of the law. Hanson then entered a plea of not guilty by reason of mental disease or defect, and the circuit court entered an order committing Hanson to the DHS for a period of sixty years. The court also ordered a pre-dispositional investigation report upon finding it lacked sufficient information to determine whether the commitment should be for institutional care or conditional release. The report was

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

completed by Lutheran Social Services, which recommended community placement in a supervised setting. The court then approved Hanson for conditional release in the community.

The DHS subsequently filed a Statement of Probable Cause for Detention and Petition for Revocation of Conditional Release, alleging Hanson struck a person multiple times on the back causing injury. The circuit court granted a petition for *capias*, and an order was entered to take Hanson into custody. After further investigation, the DHS withdrew the petition to revoke Hanson's conditional release.

The DHS later filed a second petition, seeking to revoke Hanson's conditional release, alleging that Hanson had "made sexually explicit requests to a vulnerable female." The petition further alleged that Hanson admitted targeting her because she was vulnerable, and that he also made references to "running away." A hearing was conducted<sup>2</sup> and testimony established that the rules of supervision while placed in the community were explained to Hanson, and further that the rules were reviewed regularly with Hanson because he would inquire about the rules at times throughout his supervision. Testimony also detailed a report from the group home where Hanson was placed, indicating Hanson had threatened to go on a killing spree.

Further testimony about another report indicated Hanson made comments to a young woman of a sexual nature, including that he would "eat her up," and "don't make me have to kiss you." It was also established that Hanson made sexual comments again to a different young woman, encouraging her to break the rules with him and discussing the size of his penis. It was

determined there were no alternatives to revocation, and that Hanson was a safety risk to the community. Hanson's probation agent also testified that after each of the allegations were made, the agent interviewed Hanson, and Hanson admitted each violation. Hanson also admitted that he knew the rules and made a mistake in violating them. However, Hanson blamed his case manager for putting him in a position where he had the ability to take advantage of the vulnerable females. It was recommended that Hanson be placed at an institution where he would receive intensive inpatient treatment, which would be more structured, and also protect the community.

The circuit court found that Hanson had made a decision to test his boundaries. The court found the testimony clearly established that Hanson was "aware of the rules of his conditional supervision going in," and that although Hanson had been receiving treatment for sexual behavior he continued to engage in that type of behavior. In doing so, Hanson had violated his rules of supervision on numerous occasions. The court further found Hanson posed a risk to others within the community and was dangerous. As a result, the court found Hanson required treatment that could only be provided in a confined setting. It was therefore ordered that Hanson be transferred to an inpatient treatment facility until his behavior improved and his counseling was completed such that he would be appropriate to return to supervised release.

The no-merit report addresses potential issues regarding the jurisdictional basis for the revocation and Hanson's continued commitment, the sufficiency of the evidence, and whether

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<sup>2</sup> A hearing was scheduled within thirty days of the filing of the petition; however, the public defender's office had not yet appointed an attorney. Hanson confirmed his desire to have counsel appointed to assist him, and he waived the time limits applicable to the revocation hearing to allow more time for an attorney to be appointed and prepare.

the circuit court properly considered the statutory factors set forth in WIS. STAT. § 971.17(4)(d). This court is satisfied that the no-merit report properly analyzes the issues raised, and we will not further address them. Our independent review of the record discloses no other potential issues for appeal.

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Erica L. Bauer is relieved of further representing Robin Hanson 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*