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**DISTRICT II**

October 16, 2019

To:

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

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2017AP2264-CRNM      State of Wisconsin v. Adam J. Vicory (L.C. #2012CF1499)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

**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).**

Adam Vicory appeals from judgments convicting him of three counts of misdemeanor lewd and lascivious behavior (exposing genitals) contrary to WIS. STAT. § 944.20(1)(b) (2011-12),<sup>1</sup> and two counts of felony exposing genitals to a child contrary to WIS. STAT. § 948.10(1)(a).

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

Vicory's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18) and *Anders v. California*, 386 U.S. 738 (1967). Vicory received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21 (2017-18).

The no-merit report addresses the following possible appellate issues: (1) whether there was sufficient evidence to convict Vicory of five offenses, and (2) whether the circuit court misused its sentencing discretion. After reviewing the record, we conclude that counsel's no-merit report properly analyzes these issues and correctly concludes that they are without arguable merit.

We are satisfied that there would be no arguable merit to a challenge to the sufficiency of the evidence to support the convictions. In addition to other witnesses and evidence, the victims testified that Vicory committed the crimes; Vicory testified that he did not commit the crimes. It was for the jury to decide issues of credibility, to weigh the evidence, draw reasonable inferences and resolve conflicts in the testimony. See *State v. Poellinger*, 153 Wis. 2d 493, 506, 451 N.W.2d 752 (1990). There would be no arguable merit to a challenge to the sufficiency of the evidence.

After considering the gravity of the offenses, the impact on the victims, and Vicory's refusal to take responsibility for his conduct, the circuit court sentenced Vicory to two two-year probation terms, two three-year probation terms and nine months in jail. The circuit court engaged in a proper exercise of sentencing discretion. *State v. Gallion*, 2004 WI 42, ¶76, 270

Wis. 2d 535, 678 N.W.2d 197.<sup>2</sup> The court also properly exercised its discretion when it required Vicory to register as a sex offender for fifteen years. WIS. STAT. § 973.048(1m) and (3).

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgments of conviction and relieve Eileen Evans of further representation of Vicory in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21 (2017-18).

IT IS FURTHER ORDERED that Attorney Eileen Evans is relieved of further representation of Adam Vicory in this matter.

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*

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<sup>2</sup> We see no arguable merit arising from the imposition of a discretionary DNA surcharge for exposing genitals to a child contrary to WIS. STAT. § 948.10(1)(a). WIS. STAT. § 973.046(1g).