



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

January 7, 2020

To:

Hon. Melissia R. Mogen
Circuit Court Judge
Burnett County Courthouse
7410 County Rd. K
Siren, WI 54872

Jacqueline O. Baasch
Clerk of Circuit Court
Burnett County Courthouse
7410 County Rd. K, #115
Siren, WI 54872

William L. Norine
District Attorney
Burnett County District Attorney
7410 County Road K, #113
Siren, WI 54872

Dennis Schertz
Schertz Law Office
P.O. Box 133
Hudson, WI 54016

Shane M. Bearheart 576858
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

Criminal Appeals Unit
Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

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

2018AP1370-CRNM State of Wisconsin v. Shane M. Bearheart (L.C. No. 2016CF165)

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 Shane Bearheart filed a no-merit report concluding no grounds exist to challenge Bearheart's convictions for battery to a law enforcement officer; resisting an officer, disorderly conduct; criminal damage to property; and two counts of misdemeanor battery. Bearheart was informed of his right to file a response to the no-merit report 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. Therefore, the judgment of conviction is summarily affirmed. See WIS. STAT. RULE 809.21 (2017-18).¹

The State charged Bearheart with the above-referenced crimes, arising from allegations that Bearheart punched the owner of a store and injured another person who attempted to subdue Bearheart. Bearheart then head-butted a law enforcement officer who responded to the scene, resisted arrest, and attempted to kick the rear window out of the squad car. Bearheart pleaded guilty to the six charges, and the parties remained free to argue at sentencing. Out of maximum possible aggregate sentences totaling nine years and six months, the circuit court imposed concurrent sentences resulting in a six-year term, consisting of three years' initial confinement and three years' extended supervision, to run consecutive to Bearheart's sentence in a Douglas County case.

The no-merit report addresses whether Bearheart knowingly, intelligently and voluntarily entered his guilty pleas; whether the circuit court properly exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Bearheart's trial counsel. Upon reviewing the record, we agree with counsel's analysis and conclusion that there is no arguable merit to these issues. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

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

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Dennis Schertz is relieved of his obligation to further represent Shane Bearheart in this matter. *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