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DISTRICT III

January 7, 2020

To:

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

2018AP769-NM State of Wisconsin v. Richard G. Hollsten (L. C. No. 2009CI2)

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 Richard Hollsten has filed a no-merit report concluding there is no arguable basis for challenging an order denying Hollsten's petition for discharge and his alternative request for supervised release from his commitment as a sexually violent person pursuant to Wis.

STAT. ch. 980 (2017-18).¹ Hollsten 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 WIS. STAT. RULE 809.32, we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the order. *See* WIS. STAT. RULE 809.21.

Hollsten was initially committed as a sexually violent person in 2011. In November 2016, Hollsten filed the underlying petition for discharge from his commitment. After the circuit court determined Hollsten was entitled to a hearing on his petition, Hollsten requested a bench trial. After a trial, the court found that the State had met its burden of proving, by clear and convincing evidence, that Hollsten continues to meet the criteria for commitment as a sexually violent person. The court also denied Hollsten's alternative request for supervised release.

The no-merit report addresses whether Hollsten received a fair trial at which there was sufficient credible evidence to support a finding that Hollsten still meets the criteria for commitment as a sexually violent person. The no-merit report also addresses whether there are any arguable grounds to challenge the denial of Hollsten's alternative motion for supervised release or the effectiveness of Hollsten's trial counsel. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that none of these issues has arguable merit. 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. Therefore,

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

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

IT IS FURTHER ORDERED that attorney Dennis Schertz is relieved of his obligation to further represent Richard Hollsten 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