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DISTRICT I

January 10, 2020

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

2018AP2291-CRNM State of Wisconsin v. Donald Paul Gorshek, Jr.
(L.C. # 2018CF313)

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

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposed specified in WIS. STAT. RULE 809.23(3).

Donald Paul Gorshek, Jr., appeals from a judgment, entered on his guilty pleas, convicting him of unauthorized use of personal identifying information or documents to obtain a thing of value and attempting to obtain a controlled substance by misrepresentation, both as a habitual criminal. Appellate counsel, Andrea Taylor Cornwall, has filed a no-merit report

pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738 (1967). Gorshek was advised of his right to file a response, but he has not responded. Upon our independent review of the record, as mandated by *Anders*, and counsel's report, we conclude there are no arguably meritorious issues that could be pursued on appeal. Therefore, the judgment is summarily affirmed.

M.J.S. had his wallet stolen in 1983; it was recovered in 1984 with everything but his social security card. Over the years, M.J.S.'s social security number was used by another person to receive medical services. On October 20, 2017, someone used M.J.S.'s identity to obtain services from Froedtert Memorial Lutheran Hospital, totaling over \$8550. Gorshek was eventually identified through hospital security footage and because, on October 22, 2017, he signed in under his own name wearing almost identical clothing to what he had worn on October 20th.

Gorshek, using M.J.S.'s identity, had obtained two Oxycodone prescriptions. When Gorshek went to fill the prescriptions, he provided his own driver's license and told the pharmacist that he was picking up the prescriptions for his sister, then said they were for his roommate, then said they were for himself. The pharmacist refused to dispense the prescriptions and later identified Gorshek as the person who attempted to pick up the prescriptions.

When interviewed, Gorshek initially denied knowing M.J.S.'s name or identity. When confronted with surveillance videos, Gorshek did not deny that he was the person shown. He later stated he thought M.J.S. was a fictional name.

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

Gorshek was charged with the two offenses described above. He agreed to resolve his case with guilty pleas in exchange for a global sentence recommendation from the State. The circuit court accepted Gorshek's pleas but imposed the maximum enhanced sentence: seven years of initial confinement and three years of extended supervision for use of personal identifying information and five and one-half years of initial confinement and one and one-half years of extended supervision for the attempt to obtain the prescriptions. The sentences were set to run consecutive to each other and to any other sentence Gorshek was serving.

The no-merit report addresses whether Gorshek's pleas were knowingly, voluntarily, and intelligently entered and whether the circuit court erroneously exercised its discretion in imposing his sentences. This court is satisfied that the no-merit report properly analyzes these issues as lacking arguable merit, and we will not discuss them further.

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Andrea Taylor Cornwall is relieved of further representation of Gorshek 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