



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](http://www.wicourts.gov)

**DISTRICT IV**

May 21, 2020

To:

Hon. Jennifer L. Weston  
Circuit Court Judge  
Jefferson County Courthouse  
311 S. Center Ave.  
Jefferson, WI 53549

Cindy Hamre Incha  
Clerk of Circuit Court  
Jefferson County Courthouse  
311 S. Center Ave., Rm. 115  
Jefferson, WI 53549

Brookellen Teuber  
Assistant District Attorney  
311 S. Center Ave., Rm. 225  
Jefferson, WI 53549-1718

Vicki Zick  
Zick Legal LLC  
P.O. Box 325  
Johnson Creek, WI 53038

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

Daniel S. Witkowski  
2863 N. 20th St.  
Milwaukee, WI 53206

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

---

2019AP12-CRNM      State of Wisconsin v. Daniel S. Witkowski (L.C. # 2018CF132)

Before Fitzpatrick, P.J., Blanchard, and Nashold, 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).**

Attorney Vicki Zick, appointed counsel for Daniel Witkowski, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2017-18)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Witkowski was sent a copy of the report and has not

---

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

filed a response. Upon consideration of the report and an independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Witkowski was charged with physical abuse of a child, intentionally causing bodily harm. He pled no contest, and the parties agreed to make a joint recommendation that the circuit court withhold sentence and impose eighteen months of probation. The circuit court accepted Witkowski's plea and followed the parties' joint recommendation. The court imposed conditions of probation that included anger management counseling, a parenting assessment and parenting class, no acts or threats of violence, no physical discipline of any child, and no possession of any dangerous weapon.

The no-merit report addresses, among other potential issues, whether Witkowski's no contest plea was knowing, intelligent, and voluntary; whether the circuit court erroneously exercised its discretion in imposing probation; and whether the conditions of probation were reasonable and appropriate. We are satisfied that the report properly analyzes these issues as having no arguable merit. Adding to the reasons provided in the no-merit report, we note that an additional reason Witkowski could not challenge his probation term is that he joined in recommending that term. *See State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989) ("Because defendant affirmatively approved the sentence, he cannot attack it on appeal.").

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of any further representation of Daniel Witkowski 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*