



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 II

March 10, 2021

To:

Hon. Michael J. Aprahamian
Circuit Court Judge
Waukesha County Courthouse-Br. 9
515 W. Moreland Blvd.
Waukesha, WI 53188

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

Marcella De Peters
Law Office of Marcella De Peters
PMB #318
6650 W. State St.
Wauwatosa, WI 53213

Susan Lee Opper
District Attorney
515 W. Moreland Blvd., Rm. G-72
Waukesha, WI 53188-2486

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

Nathan A. Myers 672966
Oshkosh Correctional Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2020AP710-CRNM State of Wisconsin v. Nathan A. Myers (L.C. #2017CF435)

Before Reilly, P.J., Gundrum and Davis, 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).

Nathan A. Myers appeals from a judgment convicting him of child abuse—recklessly causing great bodily harm. His appellate counsel filed a no-merit report pursuant to WIS. STAT.

RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Myers received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Myers was convicted following a jury trial of child abuse—recklessly causing great bodily harm. He was accused of injuring his infant daughter through reckless conduct, causing a fractured skull and brain bleed. For his actions, the circuit court imposed a sentence of four years of initial confinement and four years of extended supervision.

The no-merit report addresses potential issues of (1) whether the circuit court properly allowed the State to introduce other acts evidence at trial,² (2) whether the evidence at trial was sufficient to support the conviction, and (3) whether the circuit court properly exercised its discretion at sentencing. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and this court will not discuss them further.

Our review of the record—including jury selection, jury instructions, Myers’ waiver of his right to testify, and opening statements/closing arguments—discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of

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

² The other acts evidence was testimony that Myers had previously placed a pillow over his infant daughter’s face when he became frustrated with her crying. This, along with testimony from medical experts, was used to counter Myers’ defense that he had injured his daughter by accident.

conviction, and discharges appellate counsel of the obligation to represent Myers further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Marcella De Peters is relieved of further representation of Nathan A. Myers in this appeal. *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