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DISTRICT II

September 1, 2021

To:

Hon. James G. Poulos
Circuit Court Judge
Electronic Notice

Theresa Russell
Clerk of Circuit Court
Washington County
Electronic Notice

Mark Bensen
District Attorney
Electronic Notice

Winn S. Collins
Electronic Notice

Becky Nicole Van Dam
Electronic Notice

Bobby Ray Buechel
P.O. Box 270022
Hartford, WI 53027

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

2020AP371-CRNM State of Wisconsin v. Bobby Ray Buechel (L.C. # 2019CF215)

Before Reilly, Grogan and Blanchard, 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).

Bobby Ray Buechel appeals from a judgment convicting him of escape contrary to WIS. STAT. § 946.42(3)(a) (2019-20).¹ Buechel's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Buechel received a copy of the report and was advised of his right to file a response. He has not done so. Upon consideration of the report and an independent review of the record as mandated by *Anders* and

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

RULE 809.32, we summarily affirm the judgment because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

The no-merit report addresses the following possible appellate issues: (1) whether Buechel's guilty plea was knowingly, voluntarily, and intelligently entered; and (2) whether the circuit court misused its sentencing discretion. After reviewing the record, we conclude that counsel's no-merit report properly analyzes these issues and correctly determines that these issues lack arguable merit.

The very thorough plea colloquy complied with *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. Buechel's guilty plea waived "all nonjurisdictional defects and defenses." *State v. Popp*, 2014 WI App 100, ¶13, 357 Wis. 2d 696, 855 N.W.2d 471 (citation omitted). Any challenge to the entry of Buechel's guilty plea would lack arguable merit for appeal.

The circuit court sentenced Buechel to sixty days in jail, consecutive to any current sentence. The court engaged in a proper exercise of sentencing discretion after considering various sentencing factors. *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (we review the sentence for a misuse of discretion); *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (sentencing objectives and factors discussed). There would be no arguable merit to a challenge to the sentence.

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any arguably meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgment of conviction, and relieve Attorney Becky Van Dam of further representation of Buechel in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Becky Nicole Van Dam is relieved of further representation of Bobby Ray Buechel in this matter.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals