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**DISTRICT III**

October 5, 2021

To:

Hon. Jeffery Anderson  
Circuit Court Judge  
Electronic Notice

Jeffrey L. Kemp  
Electronic Notice

Sharon Jorgenson  
Clerk of Circuit Court  
Polk County Justice Center  
Electronic Notice

Melissa M. Petersen  
Electronic Notice

Winn S. Collins  
Electronic Notice

Susan M. Sauve  
855 Broadway Street, Apt. 2  
Hammond, WI 54015

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

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2019AP449-CRNM      State of Wisconsin v. Susan M. Sauve (L. C. No. 2018CF1)

Before Stark, P.J., Hruz and Gill, 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 Susan Sauve filed a no-merit report concluding that no grounds exist to challenge Sauve's conviction for operating a motor vehicle without the owner's consent, contrary to WIS. STAT. § 943.23(3) (2019-20).<sup>1</sup> Sauve was informed of her right to respond to the no-merit report, and she has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit

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

to any issue that could be raised on appeal. Therefore, the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

The State charged Sauve with operating a motor vehicle without the owner's consent; disorderly conduct, as an act of domestic abuse; misdemeanor theft; and resisting an officer. The complaint alleged that law enforcement was dispatched to a "domestic in progress" and arrived at an Osceola home to find Sauve getting into a vehicle that officers later determined had been stolen that morning. Sauve told police she was "the victim" and stated that her father had pushed her. Due to extremely cold temperatures, Sauve was escorted back into the residence.

While law enforcement officers were interviewing Sauve's father, Sauve began to scream. She refused law enforcement's direction to go into another room. When Sauve lifted a glass as if to throw it at her father, an officer grabbed Sauve, and Sauve "pulled violently away." After the officer advised Sauve that she was under arrest, she continued to resist. During a search incident to her arrest, law enforcement discovered a blank check belonging to Sauve's father, and he confirmed that she did not have his permission to take the check.

In exchange for her no-contest plea to operating a motor vehicle without the owner's consent, the State agreed to recommend that the remaining counts be dismissed and read in. The parties agreed to recommend three years of probation, noting that Sauve would be entitled to ten days of sentence credit if her probation were revoked. Out of a maximum possible sentence of three and one-half years, the circuit court withheld sentence and imposed one year of probation with nine months in jail as a condition.

The no-merit report addresses whether Sauve knowingly, intelligently and voluntarily entered her no-contest plea; whether the circuit court erroneously exercised its sentencing

discretion; and whether there are any grounds to challenge the effectiveness of Sauve's trial counsel. Upon reviewing the record, we agree with counsel's description, analysis and conclusion that none of these issues have arguable merit. Although the court failed to inform Sauve that it was not bound by the terms of the plea agreement, as required under *State v. Hampton*, 2004 WI 107, ¶32, 274 Wis. 2d 379, 683 N.W.2d 14, this information is included in the plea questionnaire form that Sauve signed and acknowledged having reviewed with her counsel. Further, Sauve did not file a response claiming she was unaware the court was not bound by the plea agreement. Any challenge to the validity of the plea on this ground would therefore lack arguable merit. The no-merit report otherwise sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Melissa Petersen is relieved of her obligation to further represent Susan Sauve in this matter. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*