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**DISTRICT III**

October 19, 2021

To:

Hon. George L. Glonek  
Circuit Court Judge  
Electronic Notice

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Clerk of Circuit Court  
Douglas County Courthouse  
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Mark A. Schoenfeldt  
Electronic Notice

Peter Alan Diehl 670713  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

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2019AP1535-CRNM      State of Wisconsin v. Peter Alan Diehl  
(L. C. No. 2015CF370)

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).**

Peter Diehl appeals from a judgment convicting him, following a jury trial, of using a computer to facilitate a child sex crime, abduction of a child, and repeated sexual assault of a child. Attorney Mark Schoenfeldt has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2019-20).<sup>1</sup> The no-merit report sets forth the procedural history of the case and addresses the sufficiency of the evidence to support the verdicts, the validity of the sentences, and trial counsel's performance. Diehl was advised of his right to

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

respond to the no-merit report, but he has not filed a response. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude there are no arguably meritorious issues for appeal.

The victim, whom we will call Susan,<sup>2</sup> testified that she met Diehl through an internet chat software application when she was fourteen years old. After exchanging messages for approximately one week and telling Diehl about her strained relationship with her mother, Susan agreed to meet Diehl in person so he could help her leave home. Diehl drove Susan to a hotel in Minnesota, where they had vaginal intercourse three times over a period of three days. Diehl then took Susan to his house in Wisconsin, where she stayed for the following month until the police located her. During that time, Diehl and Susan had vaginal intercourse one to three times a day. Susan's testimony alone, if credited by the jury, was sufficient to support the verdicts.

After hearing from the parties at the sentencing hearing, the circuit court discussed proper sentencing factors, including the gravity of the offenses, the need to protect the public, and Diehl's character. The court then sentenced Diehl to consecutive sentences of ten years' initial confinement and ten years' extended supervision on the facilitation count, five years' initial confinement and five years' extended supervision on the abduction count, and twenty years' initial confinement and ten years' extended supervision on the sexual assault count. The court also ordered restitution and several common conditions of supervision, such as no-contact provisions, without objection. The judgment of conviction further stated that Diehl would need to comply with the sex offender registration requirements of WIS. STAT. § 301.45.

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<sup>2</sup> This matter involves the victim of a crime. Pursuant to WIS. STAT. RULE 809.86(4) we use a pseudonym instead of the victim's name.

We agree with counsel's description, analysis and conclusion that any challenge to the sufficiency of the evidence, the validity of the sentences, or trial counsel's performance would lack arguable merit. Although counsel does not address it, we also note that there is no arguably meritorious basis to challenge the circuit court's evidentiary rulings or its rulings on motions in limine. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*. Accordingly, counsel shall be allowed to withdraw and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

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

IT IS FURTHER ORDERED that Attorney Mark Schoenfeldt is relieved of any further representation of Peter Diehl in this matter pursuant to 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*