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DISTRICT IV

November 24, 2021

To:

Hon. Daniel G. Wood
Circuit Court Judge
Electronic Notice

Lori Banovec
Clerk of Circuit Court
Adams County Courthouse
Electronic Notice

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Electronic Notice

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Laura M. Force
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Katie R. York
Electronic Notice

Thomas L. Schwersenska 658898
Black River Correctional Cntr
W6898 E. Staffon Rd.
Black River Falls, WI 54615-0433

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

2020AP1090-CRNM	State of Wisconsin v. Thomas L. Schwersenska (L.C. # 2014CM18)
2020AP1091-CRNM	State of Wisconsin v. Thomas L. Schwersenska (L.C. # 2015CF187)
2020AP1092-CRNM	State of Wisconsin v. Thomas L. Schwersenska (L.C. # 2014CF76)

Before Blanchard, P.J., Fitzpatrick, and Graham, 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 Katie York, appointed counsel for Thomas Schwersenska, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Schwersenska with a copy of the report, and both counsel and this

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

court advised him of his right to file a response. Schwersenska has not responded. We conclude that these cases are appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the records, we conclude that there is no arguable merit to any issue that could be raised on appeal.

In 2017, Schwersenska pled no contest to burglary, felony bail jumping, misdemeanor battery, and receiving stolen property. The court withheld sentence and placed him on probation. In 2018, his probation was revoked and he was returned to the court for sentencing. The court imposed a sentence on the burglary count of four and one-half years of initial confinement and four years of extended supervision. The court imposed lesser concurrent sentences on the other counts.

The no-merit report addresses whether the sentences are within the legal maximum and whether the court erroneously exercised its sentencing discretion. As correctly described in the report, the sentences are within the legal maximums. The standards for the circuit court and this court on discretionary sentencing issues are well-established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney York is relieved of further representation of Schwersenska 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