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DISTRICT II

February 9, 2022

To:

Hon. Scott C. Woldt
Circuit Court Judge
Electronic Notice

Tara Berry
Clerk of Circuit Court
Winnebago County
Electronic Notice

Angela Dawn Chodak
Electronic Notice

Winn S. Collins
Electronic Notice

Christian A. Gossett
Electronic Notice

Reginald E.Q. Bob, #667374
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:

2020AP1919-CRNM State of Wisconsin v. Reginald E.Q. Bob (L.C. #2018CF486)

Before Neubauer, Grogan and Kornblum, 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 Angela Dawn Chodak, as appointed counsel for Reginald E.Q. Bob, has 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 Bob with a copy of the report, and both counsel and this court advised him of his right to file a response. Bob has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our

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

independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

After a jury trial, Bob was convicted of one count of repeated sexual assault of the same child. The court imposed a sentence of two and one-half years of initial confinement and four and one-half years of extended supervision.

The no-merit report addresses whether the evidence was sufficient to support the conviction. We affirm the verdict unless the evidence, viewed most favorably to the State and the conviction, is so insufficient in probative value and force that no reasonable trier of fact could have found guilt beyond a reasonable doubt. *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Credibility of witnesses is for the trier of fact. *Id.* at 504.

Without attempting to recite the evidence in detail here, we are satisfied that there is no arguable merit to this issue. At trial, the victim recanted her allegations, but the jury also saw portions of a video interview with her in which she made the allegations. Her demeanor in the video was direct and confident, and her descriptions detailed. At trial, she acknowledged having made these allegations, and the jury was able to weigh the credibility of her recantation. The victim's allegations, if believed by the jury, were sufficient to support all elements of the charge. In light of the above standard of review, there is no basis to argue that the evidence was insufficient.

The no-merit report addresses whether the circuit court erred by denying Bob's motion to admit a transcript and judgment from an injunction case against him, that was based on these same allegations, and had been dismissed by the court. The circuit court ruled that these items

were not relevant, although the transcript could be used for impeachment. We see no arguable basis to assert that this was an erroneous exercise of discretion.

The no-merit report addresses whether the sentencing court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on 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 judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Angela Dawn Chodak is relieved of further representation of Reginald E.Q. Bob 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