



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT III

March 22, 2022

To:

Hon. Jill N. Falstad
Circuit Court Judge
Electronic Notice

Shirley Lang
Clerk of Circuit Court
Marathon County Courthouse
Electronic Notice

Frederick A. Bechtold
Electronic Notice

Winn S. Collins
Electronic Notice

Theresa Wetzsteon
Electronic Notice

Anthony D. Nemetz 533812
Fox Lake Correctional Inst.
P.O. Box 200
Fox Lake, WI 53933-0200

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

2019AP1523-CRNM State of Wisconsin v. Anthony D. Nemetz
(L. C. No. 2017CF708)

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).

Anthony Nemetz appeals from three felony convictions and sentences. Attorney Frederick Bechtold has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2019-20).¹ The no-merit report sets forth the procedural history of the case and addresses whether there are any non-frivolous grounds to challenge Nemetz's pleas and sentences. Nemetz was advised of his right to respond to the no-merit report, but he has not filed a response. Having independently reviewed the entire record as mandated by *Anders v.*

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

California, 386 U.S. 738, 744 (1967), we conclude there are no arguably meritorious issues for appeal.

The State charged Nemetz with burglary while armed with a dangerous weapon, felony theft of movable property (> \$2,500 - \$5,000), possession of a firearm by a felon, two counts of burglary of a building or dwelling, and two counts of misdemeanor theft—each as a repeat offender. Nemetz pled no contest to the three burglary counts with the repeater enhancers. In exchange, the State agreed to dismiss and read in the remaining four counts and to make a joint sentencing recommendation for concurrent terms of three years' initial confinement and three years' extended supervision. The circuit court accepted Nemetz's pleas after conducting a plea colloquy and reviewing a signed plea questionnaire and waiver of rights form. The court also ordered a presentence investigation report (PSI), which recommended a sentence of seven to ten years' initial confinement followed by three to four years' extended supervision.

The circuit court subsequently held a sentencing hearing at which the parties addressed the PSI and provided recommendations in accordance with the plea agreement. Three victims addressed the court (one of whom stated that he would be disappointed if Nemetz got a short sentence). Nemetz declined to exercise his right of allocution. After hearing from the parties, the court discussed proper sentencing factors, including the gravity of the offense, the need to protect the public, and the character of the offender. The court then sentenced Nemetz to concurrent sentences on Counts 1 and 4, consisting of five years' initial confinement and four years' extended supervision, awarded uncontested sentence credit, and imposed uncontested restitution. On Count 6, Nemetz received a consecutive sentence of four years' initial confinement and four years' extended supervision.

We agree with counsel's description, analysis and conclusion that any challenge to the pleas or sentences would lack arguable merit. 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 Frederick Bechtold is relieved of any further representation of Anthony Nemetz in this matter pursuant to 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