



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 29, 2022

To:

Hon. James A. Morrison
Circuit Court Judge
Electronic Notice

Sheila Dudka
Clerk of Circuit Court
Marinette County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Suzanne L. Hagopian
Electronic Notice

DeShea D. Morrow
Electronic Notice

Russell J. DeCamp 296197
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:

2019AP1819-CRNM State of Wisconsin v. Russell J. DeCamp (L. C. No. 2018CF184)

Before Stark, 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 Russell DeCamp has filed a no-merit report concluding that no grounds exist to challenge DeCamp's conviction for child abuse—intentionally causing bodily harm, contrary to WIS. STAT. § 948.03(2)(b) (2019-20).¹ DeCamp was informed of his right to file a response to the no-merit report, and he 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

¹ 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, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged DeCamp with disorderly conduct as an act of domestic abuse and felony child abuse, both counts as a repeater. The charges arose from claims that DeCamp attacked his longtime girlfriend, Julie, and her seventeen-year-old son, David.² The complaint alleged that DeCamp was choking Jenny when David attempted to intervene by pushing DeCamp's head back and wrapping his arms around him. According to David, DeCamp ultimately freed himself, turned around to face David, and headbutted David in the chest, causing David pain. The no-merit report recounts that the State initially charged DeCamp with two misdemeanors, disorderly conduct and battery, both as a repeat offender. When DeCamp refused the State's plea offer, however, the State moved to dismiss those charges and then refiled the case with the present charges.

DeCamp subsequently agreed to accept a plea to the newly filed charges. In exchange for DeCamp's no-contest plea to the child abuse charge without the repeater enhancer, the State agreed to recommend that the circuit court dismiss and read in the disorderly conduct charge. The State also agreed not to bring additional charges stemming from two letters that DeCamp wrote to Julie while in jail. In addition, the State agreed to join in defense counsel's recommendation for thirteen months of initial confinement and one year of extended supervision with various conditions.

² Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use pseudonyms instead of the victims' names.

When exercising his right of allocution at the sentencing hearing, DeCamp insisted he “did not hit that kid” and that he felt “threatened and coerced into taking a plea bargain.” The circuit court stated that it would allow DeCamp to withdraw his plea, but after consulting with his attorney, DeCamp confirmed that he did not want to withdraw his plea and he wanted to proceed with sentencing.

The circuit court ultimately imposed the maximum six-year sentence for DeCamp’s crime, consisting of three years’ initial confinement and three years’ extended supervision. The sentencing court considered proper sentencing factors, *see State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197, and emphasized that the sentence here was about protecting the community. The court noted that it would not tolerate an adult man getting into a fight with a seventeen-year-old boy who was trying to protect his mother. The court added that DeCamp had amassed a long record of criminal offenses, demonstrating “utter contempt for the rule of law and for the court system.”

The no-merit report addresses whether there are any grounds to challenge the prosecutor’s decision to dismiss DeCamp’s previous charges and refile more serious charges. The no-merit also addresses whether DeCamp knowingly, intelligently, and voluntarily entered his no-contest plea, and whether the circuit court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel’s description, analysis and conclusion that any challenge to the prosecutor’s charging discretion, DeCamp’s plea or the sentence imposed would lack arguable merit. The no-merit report sets forth an adequate discussion of these potential issues to support the no-merit conclusion, and we need not address them further. Our independent review of the record discloses no other potential issue for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Suzanne L. Hagopian is relieved of her obligation to further represent Russell DeCamp 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