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DISTRICT IV

March 31, 2022

To:

Hon. Martin J. DeVries
Circuit Court Judge
Electronic Notice

Lynn M. Hron
Clerk of Circuit Court
Dodge County Justice Facility
Electronic Notice

Winn S. Collins
Electronic Notice

Kathleen Henry
Electronic Notice

Kurt F. Klomberg
Electronic Notice

Dale E. Lengling 341564
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:

2020AP2106-CRNM	State of Wisconsin v. Dale E. Lengling (L.C. # 2019CF180)
2020AP2107-CRNM	State of Wisconsin v. Dale E. Lengling (L.C. # 2019CF152)
2020AP2108-CRNM	State of Wisconsin v. Dale E. Lengling (L.C. # 2019CF169)

Before Fitzpatrick, Graham, and Nashold, 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 Kathleen Henry, as appointed counsel for Dale Lengling, 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 Lengling with a copy of the report, and both counsel and this court advised him of his right to file a response. Lengling has not responded. We conclude that these cases are 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 records, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Lengling pled no contest to two counts of threat to a law enforcement officer and one count of felony bail jumping. The court imposed concurrent sentences of eighteen months of initial confinement and three years of extended supervision.

The no-merit report addresses whether Lengling's pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charges, the rights Lengling was waiving, and other matters. The record shows no other ground to withdraw the pleas. There is no arguable merit to this issue.

The no-merit report addresses Lengling's sentences. As explained in the no-merit report, the sentences are within the legal maximum. As to discretionary issues, the standards for the circuit court and this court 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.

Lengling requested that his sentence credit be applied to all three sentences because they are concurrent. It appears that this issue may be moot by now. However, the issue lacked arguable merit because, in one of the three cases, Lengling was given a signature bond, even while he remained in custody on cash bail in the other two cases. As a result, only two days of his time in custody were spent in connection with the signature bond case, and he is not entitled

to sentence credit on that case for the remainder of his time in custody. *See* WIS. STAT. § 973.155(1)(a).

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 Henry is relieved of further representation of Lengling in this matter. *See* WIS. STAT. § 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals