



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

November 22, 2022

To:

Hon. James C. Babler
Circuit Court Judge
Electronic Notice

Sharon Millermon
Clerk of Circuit Court
Barron County Justice Center
Electronic Notice

Winn S. Collins
Electronic Notice

Dennis Schertz
Electronic Notice

Brian H. Wright
Electronic Notice

Tyler J. Rognholt
202 West Main Street
Cameron, WI 54822

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

2020AP776-CRNM State of Wisconsin v. Tyler J. Rognholt
2020AP778-CRNM (L. C. Nos. 2017CF489, 2017CF482)

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).

Attorney Dennis Schertz, appointed counsel for Tyler Rognholt, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20),¹ concluding that there is no arguable merit to challenging Rognholt's two convictions for burglary. Rognholt has been informed of his right to a file a response to the report, and he has not filed a response. Pursuant to an order of this court, counsel has also filed a supplemental no-merit report. Upon consideration of the report,

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

the supplemental report, and an independent review of the records as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude that there is no arguable merit to any issue that could be raised on appeal. Accordingly, we summarily affirm.

Rognholt was initially charged with two counts of burglary and two counts of armed robbery, all as a party to a crime. Pursuant to a plea agreement, Rognholt pled guilty to two amended burglary counts, and the armed robbery counts were dismissed and read in. The circuit court imposed consecutive sentences, each consisting of four years of initial confinement and four years of extended supervision.

The no-merit report addresses whether Rognholt's guilty pleas were knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. With one exception that we discuss below, the circuit court's plea colloquy sufficiently complied with the requirements of WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, relating to the nature of the charge, the rights Rognholt was waiving, and other matters. We see no other arguable basis upon which Rognholt might seek plea withdrawal.

The exception to the circuit court's compliance with WIS. STAT. § 971.08 and *Brown* is that the court did not provide Rognholt with the deportation warnings required by § 971.08(1)(c). However, in the supplemental no-merit report that counsel filed, counsel confirms that he consulted with Rognholt on this potential issue and that Rognholt has assured counsel that he is a United States citizen. Accordingly, the lack of deportation warnings is harmless error and would not provide a basis for plea withdrawal. See *State v. Reyes Fuerte*, 2017 WI 104, ¶32, 378 Wis. 2d 504, 904 N.W.2d 773.

The no-merit report next addresses whether the circuit court properly exercised its sentencing discretion. We agree with counsel that there is no arguable merit to this issue. The court considered the required sentencing factors along with other relevant factors. See *State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. The court did not consider any improper factors. Rognholt's sentences were within the maximum allowed and could not be challenged as unduly harsh or so excessive as to shock public sentiment. See *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We see no other basis upon which Rognholt might challenge his sentences.

The no-merit report next addresses whether Rognholt could claim that his trial counsel was ineffective. We agree with appellate counsel's conclusion that the records reveal no arguable basis to pursue such a claim.

Based upon our independent review of the records, we have found no other arguable basis to pursue further appellate proceedings. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

IT IS ORDERED that the circuit court's judgments are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Dennis Schertz is relieved of any further representation of Tyler Rognholt in these matters. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals