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DISTRICT IV

Amended as to Appointed Counsel April 28, 2023
April 20, 2023

To:

Hon. Anna L. Becker
Circuit Court Judge
Electronic Notice

Jean Sahr
Clerk of Circuit Court
Jackson County Courthouse
Electronic Notice

Thomas Brady Aquino
Electronic Notice

Winn S. Collins
Electronic Notice

Emily E. Hynek
Electronic Notice

Davidde J. Hundt
1205 25th Street S.
La Crosse, WI 54601

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

2021AP2047-CRNM State of Wisconsin v. Davidde J. Hundt (L.C. # 2020CF48)

Before Blanchard, P.J., Fitzpatrick, 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 Cary Bloodworth, as appointed counsel for Davidde Hundt, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Attorney Thomas Aquino was later appointed as successor counsel. Counsel provided Hundt with a copy of the report, and both counsel and this court advised him of his right to file a response. Hundt has not responded. We conclude that this case is appropriate for summary

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Hundt pled no contest to attempting to flee or elude an officer by increasing the speed of the vehicle. The court withheld sentence and placed Hundt on probation for three years, with a jail term as a condition.

The no-merit report addresses whether Hundt's plea was 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 charge, the rights Hundt was waiving, and other matters. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses Hundt's sentence. As explained in the no-merit report, the probation term is within the legal maximum. As to discretionary issues, because the court imposed the jointly recommended sentence, there is no merit to contesting the sentence on appeal. *See State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989).

The no-merit report addresses restitution. The circuit court ordered Hundt to pay restitution for damage caused to a structure when a pursuing officer used his vehicle to push the vehicle Hundt was driving against the structure. The pursuit began in Jackson County and ended at that structure in La Crosse County, but Hundt was charged only in this Jackson County case. Hundt argued that restitution for damage in La Crosse County could not be ordered in this Jackson County case, but the court concluded that the damage was "directly related" to the crime charged.

In the circuit court, Hundt did not cite any authority for the proposition that restitution can be ordered only for loss that occurs in the county where the crime is charged, and we are not aware of any. A causal link for restitution purposes is established when the defendant's criminal act set into motion events that resulted in the damage or injury. *State v. Johnson*, 2005 WI App 201, ¶13, 287 Wis. 2d 381, 704 N.W.2d 625. Here, Hundt's act of fleeing the officer set in motion the events that led to continued pursuit and eventual apprehension of Johnson in a manner that caused damage. We conclude that 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 conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Aquino is relieved of further representation of Hundt 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