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DISTRICT II

May 31, 2023

To:

Hon. Daniel J. Borowski
Circuit Court Judge
Electronic Notice

Chris Koenig
Clerk of Circuit Court
Sheboygan County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Vicki Zick
Electronic Notice

Eric Lee Hansen, #282398
New Lisbon Correctional Inst.
P.O. Box 2000
New Lisbon, WI 53950-2000

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

2022AP310-CRNM State of Wisconsin v. Eric Lee Hansen (L.C. #2020CF509)

Before Gundrum, P.J., Grogan and Lazar, 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).

Eric Lee Hansen appeals from a judgment, entered on a no contest plea, convicting him of second-degree recklessly endangering safety with use of a dangerous weapon and possession of a firearm while intoxicated, both charges with the domestic abuse enhancement. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Hansen received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an

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

independent review of the record, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

Hansen, while armed with an AR-style rifle, threatened his wife's life after she would not give him her cell phone. Hansen's wife barricaded herself and the couple's three young children inside a second-story bedroom of the home. Hansen attempted to break down the door but was unsuccessful. Law enforcement arrived and helped the wife and children escape through the second-story window—deputies caught the children as they were dropped from the window and the wife also dropped herself to safety. Hansen then exited the home with the weapon, and law enforcement made contact with and arrested Hansen. Hansen appeared to be “significantly intoxicated” at the time with glassy bloodshot eyes, slurred speech, and a strong odor of intoxicants coming from his person. The State charged Hansen in a four-count information.²

In exchange for Hansen's plea to second-degree recklessly endangering safety with use of a dangerous weapon and possession of a firearm while intoxicated, both charges with the domestic abuse enhancement, the State agreed to dismiss and read in the remaining counts. The State agreed to recommend five years' initial confinement and five years' extended supervision on the recklessly endangering safety count, consecutive to Hansen's other sentence,³ and a consecutive six-month jail term on the possession of a firearm while intoxicated count. The court accepted Hansen's pleas, found him guilty, and sentenced him to six years' initial

² The information charged Hansen with one count of second-degree recklessly endangering safety with use of a dangerous weapon and the domestic abuse enhancer, one count of possession of a firearm by a felon, one count of disorderly conduct with use of a dangerous weapon and the domestic abuse enhancer, and one count of possession of a firearm while intoxicated with the domestic abuse enhancer.

³ Hansen was revoked from probation following this incident.

confinement and five years' extended supervision on the recklessly endangering safety count, and six months' jail on the possession of a firearm while intoxicated count. The sentences were both consecutive to each other as well as Hansen's other sentence. This no-merit appeal follows.

The no-merit report addresses potential issues of whether Hansen's pleas were knowingly, voluntarily, and intelligently entered and whether the circuit court properly exercised its discretion at sentencing.

We first agree with counsel's analysis and conclusion that any challenge to the validity of Hansen's pleas would lack arguable merit. See *State v. Bangert*, 131 Wis. 2d 246, 260, 389 N.W.2d 12 (1986). Our review of the record and of counsel's analysis in the no-merit report satisfies us that the circuit court complied with its obligations for taking Hansen's pleas, pursuant to WIS. STAT. § 971.08, *Bangert*, 131 Wis. 2d at 261-62, and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.

With regard to the circuit court's sentencing discretion, our review of the record confirms that the court appropriately considered the relevant sentencing objectives and factors, observing that Hansen was a convicted felon and on probation when he armed himself with a weapon and terrorized his family, that Hansen's conduct in this offense was "horrifying," and that Hansen was a "significant threat to public safety." See *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The resulting sentence was within the maximum authorized by law. See *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. The sentence was not so excessive so as to shock the public's sentiment. See *Ocanas v. State*, 70 Wis. 2d 179, 185, 233

N.W.2d 457 (1975). Therefore, there would be no arguable merit to a challenge to the court's sentencing discretion.

Our independent review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Hansen further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of further representation of Eric Lee Hansen in this appeal. *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