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**DISTRICT III**

June 20, 2023

To:

Hon. Gregory B. Gill, Jr.  
Circuit Court Judge  
Electronic Notice

Richard J. Dufour  
Electronic Notice

Barb Bocik  
Clerk of Circuit Court  
Outagamie County Courthouse  
Electronic Notice

Leonard D. Kachinsky  
Electronic Notice

J. J. S.

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

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2021AP1371-NM      State of Wisconsin v. J. J. S. (L. C. No. 2021JV5)

Before Hruz, J.<sup>1</sup>

**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).**

Jack<sup>2</sup> appeals from orders that placed him in the serious juvenile offender program following an adjudication of delinquency on charges of attempted first-degree intentional homicide and attempted armed robbery. Attorney Leonard Kachinsky has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32. The no-merit report sets forth the procedural history of the case, and it addresses the sufficiency of the evidence to

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

<sup>2</sup> This matter involves juveniles and the victim of a crime. For ease of reading and pursuant to the policy considerations underlying WIS. STAT. § 938.396(2) and WIS. STAT. RULE 809.86(4), we will use pseudonyms for their names.

support the adjudication and the circuit court's exercise of discretion at the dispositional hearing. The no-merit report also asserts that Jack was not prejudiced by any adverse evidentiary rulings, although the report does not discuss the substance of any of those rulings. Jack was advised of his right to respond to the no-merit report, but he has not filed a response. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude there are no arguably meritorious issues for appeal.

The delinquency petition alleged that Jack shot Dave in Dave's car while Jack and Ray were attempting to steal one-quarter pound of marijuana from Dave. In addition to other evidence the State presented at a bench trial (including bullet casings and text messages), Ray testified that he participated in the attempted robbery with Jack and witnessed Jack shoot Dave. The circuit court adjudicated Jack guilty after expressly finding Ray's testimony to be credible with respect to Jack's conduct.

The circuit court subsequently held a dispositional hearing. After hearing from the parties, engaging in a colloquy with Jack, discussing relevant factors, and considering less restrictive alternatives, the court placed Jack in the serious juvenile offender program for five years, with initial placement at Lincoln Hills School. The record supports the court's determination that the criteria for placement in the serious juvenile offender program under WIS. STAT. § 938.34(4h) and (4m) were satisfied.

We agree with counsel's description, analysis and conclusion that any challenges to the sufficiency of the evidence or disposition would lack arguable merit. We also see no arguably meritorious basis to challenge any of the circuit court's evidentiary rulings. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further

appellate proceedings would be wholly frivolous within the meaning of *Anders*. Accordingly, counsel shall be allowed to withdraw, and the orders will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

IT IS ORDERED that the orders are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Leonard Kachinsky is relieved of any further representation of J.J.S. in this matter pursuant to WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*