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DISTRICT III

November 7, 2023

To:

Hon. William F. Kussel, Jr.
Circuit Court Judge
Electronic Notice

Ethan Schmidt
Clerk of Circuit Court
Shawano County Courthouse
Electronic Notice

Megan Elizabeth Lyneis
Electronic Notice

Laura Nelson
Electronic Notice

Bradley J. Miller
W10538 Valley View Road
Shawano, WI 54166

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

2021AP1711-CRNM State of Wisconsin v. Bradley J. Miller
2021AP1712-CRNM (L. C. Nos. 2019CM170, 2019CF37)

Before Stark, P.J.¹

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).

Counsel for Bradley Miller has filed a no-merit report concluding that no grounds exist to challenge Miller's convictions for disorderly conduct, as an act of domestic abuse; knowingly violating a domestic abuse injunction; and misdemeanor bail jumping. Miller was informed of his right to file a response to the no-merit report, and he has not responded. Upon our independent review of the records as mandated by *Anders v. California*, 386 U.S. 738 (1967),

¹ These appeals are decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted

we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgments of conviction. *See* WIS. STAT. RULE 809.21.

In Shawano County case No. 2019CF37, the State charged Miller with disorderly conduct, as an act of domestic abuse, and threatening a law enforcement officer. The complaint alleged that law enforcement responded to a report that Miller text messaged Lori,² his soon-to-be ex-wife, saying: “Fuck u ... I’m coming home ... My guns are loaded for trespassers also!” Text messages between the parties suggest there was a disagreement about the placement of their children and whether Miller would continue to pay for the house they shared if he was not living there. Officers removed Lori and her children from the home because she was fearful for their lives. According to the complaint, Lori believed that Miller’s reference to trespassers meant law enforcement because he had referred to police officers as “trespassers” during a previous incident at the couple’s home. Miller was later arrested. As he was being transported to jail, Miller stated that his favorite thing to hunt was “Shawano County Cops.” Defense counsel moved to dismiss the charge of threatening a law enforcement officer, and that motion was granted after a preliminary hearing.

In Shawano County case No. 2019CM170, the State charged Miller with knowingly violating a domestic abuse injunction and two counts of misdemeanor bail jumping. The complaint alleged that the conditions of Miller’s signature bond in case No. 2019CF37 included provisions prohibiting contact with Lori, except through a third party for child visitation

² Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym instead of the victim’s name.

exchanges, and prohibiting Miller's possession of a firearm. The circuit court in case No. 2019CF37 subsequently issued a domestic abuse injunction against Miller that prohibited him from committing acts or threats of domestic abuse against Lori; ordered him to stay away from Lori's residence; and ordered him to have no contact with Lori, except through a third party for child visitation exchanges. Lori later reported that when her children were returned to her from a visit with Miller, she saw notes from Miller—one stating he wanted some items returned to him and the other stating that one of her children was missing a shoe and that he would not be paying for an electric bill that was attached to the note because it was incurred during a period of time when Lori still lived at the address associated with the bill.

Pursuant to a plea agreement, Miller entered no-contest pleas to knowingly violating a domestic abuse injunction, one count of misdemeanor bail jumping, and disorderly conduct as an act of domestic abuse. In exchange for his no-contest pleas, the State recommended that the circuit court dismiss the remaining misdemeanor bail jumping charge outright. The State also agreed to join in defense counsel's recommendation that the court withhold sentence in both cases and impose eighteen months of probation on all counts. The parties remained free to argue regarding conditional jail time. Out of a maximum possible sentence of twenty-one months, the court ultimately withheld sentence and imposed a total of eighteen months of probation, with sixty days of conditional jail time.

The no-merit report addresses whether Miller knowingly, intelligently, and voluntarily entered his no-contest pleas and whether the circuit court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that any challenge to Miller's pleas or sentences would lack arguable merit. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit

conclusion, and we need not address them further. Additionally, with some exceptions not relevant here, Miller's valid no-contest pleas waived all nonjurisdictional defects and defenses. See *State v. Kelty*, 2006 WI 101, ¶¶18 & n.11, 34, 294 Wis. 2d 62, 716 N.W.2d 886.

Our independent review of the records discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgments are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Megan Elizabeth Lyneis is relieved of her obligation to further represent Bradley Miller in these matters. See WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals