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DISTRICT III

April 2, 2024

To:

Hon. Kelly J. Thimm
Circuit Court Judge
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Michele Wick
Clerk of Circuit Court
Douglas County Courthouse
Electronic Notice

Donald Richard Becker, Jr. 468946
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

Kathilyne Grotelueschen
Electronic Notice

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

2022AP1807-CRNM	State of Wisconsin v. Donald Richard Becker, Jr.
2022AP1808-CRNM	(L. C. Nos. 2021CM164, 2021CF357, 2021CF458)
2022AP1809-CRNM	

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).

Counsel for Donald Richard Becker, Jr., has filed a no-merit report concluding that no grounds exist to challenge Becker's convictions for assault by a prisoner, battery, and three counts of criminal damage to property, all five counts as a repeater. Becker 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), 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 (2021-22).¹

In Douglas County case No. 2021CM164, the State charged Becker with three counts of criminal damage to property, all counts as a repeater. The complaint alleged that when Becker was confined in the Douglas County Jail, he intentionally caused damage to an iPad phone kiosk, a jail surveillance camera, and a fire suppression sprinkler head. While case No. 2021CM164 was pending, the State charged Becker with battery by a prisoner, as a repeater, in Douglas County case No. 2021CF357. In that case, the complaint alleged that, while confined in the jail, Becker intentionally caused harm to another inmate by slapping the inmate in the face. Lastly, in Douglas County case No. 2021CF458, the State charged Becker with assault by a prisoner, as a repeater. There, the complaint alleged that, while confined in the jail, Becker spit on a correctional officer. All three complaints alleged that Becker had been convicted of a felony on June 8, 2018.

Pursuant to a global plea agreement, Becker entered guilty pleas to the three counts of criminal damage to property, assault by a prisoner, and an amended charge of battery—all counts as a repeater. In exchange for his guilty pleas, the State agreed to dismiss and read in a charge of methamphetamine possession, as a repeater, from a fourth case. Out of a maximum potential sentence of fifteen and one-half years, the circuit court imposed consecutive sentences resulting in an aggregate fourteen-year term, consisting of eight years of initial confinement followed by six years of extended supervision.

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

Following his sentencing, Becker wrote to the circuit court asserting that he did not plead guilty to any repeater allegations. The court rejected Becker's assertion, noting that the records belied his claim. The court, however, acknowledged that the judgment of conviction for case No. 2021CF357 mistakenly noted that Becker pled guilty to battery as an act of domestic abuse. The court therefore ordered the judgment corrected to remove the reference to domestic abuse.

The no-merit report addresses whether Becker knowingly, intelligently, and voluntarily entered his guilty pleas; whether the circuit court properly exercised its sentencing discretion; and whether there are any grounds for either resentencing or sentence modification. Upon reviewing the records, we agree with counsel's description, analysis, and conclusion that none of these issues has 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. 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 Kathilynne A. Grotelueschen is relieved of her obligation to further represent Donald Richard Becker, Jr., 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