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DISTRICT II

August 28, 2024

To:

Hon. Teresa S. Basiliere
Circuit Court Judge
Electronic Notice

Tara Berry
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

Jill Marie Skwor
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Rachael N. Boehning
3960 George Rd.
Wisconsin Rapids, WI 54495

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

2024AP614-CRNM State of Wisconsin v. Rachael N. Boehning (L.C. #2022CF26)

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

Rachael N. Boehning appeals from a judgment convicting her of hit and run involving an injury. Her 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). Boehning received a copy of the report, was advised of her right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the Record, we conclude there are no

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

issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Boehning was convicted following a no contest plea to hit and run involving an injury. She was accused of running a red light and colliding with another vehicle before leaving the scene. The driver of the other vehicle suffered a hand injury as a result of the collision. For her actions, the circuit court withheld sentence and ordered an eighteen-month term of probation. This no-merit appeal follows.

The no-merit report addresses whether Boehning’s plea was knowingly, voluntarily, and intelligently entered and had a factual basis, and whether the circuit court properly exercised its discretion at sentencing. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the Record discloses no other potential issues for appeal.² Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Boehning 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.

² We note that Boehning’s plea forfeited the right to raise other nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.

IT IS FURTHER ORDERED that Attorney Jill Marie Skwor is relieved of further representation of Rachael N. Boehning in this appeal. *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