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MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
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**DISTRICT IV**

April 15, 2016

To:

Hon. Todd P. Wolf  
Circuit Court Judge  
Br. 3  
400 Market St  
Wisconsin Rapids, WI 54494

Cindy Joosten  
Clerk of Circuit Court  
Wood County Courthouse  
400 Market Street, PO Box 8095  
Wisconsin Rapids, WI 54494

Derek G. Dominguez  
Asst. District Attorney  
P. O. Box 8095  
Wisconsin Rapids, WI 54495-8095

Andrew Hinkel  
Assistant State Public Defender  
P. O. Box 7862  
Madison, WI 53707-7862

Gregory M. Weber  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Daniel J. Guldan  
M324 County Road E  
Marshfield, WI 54449

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

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2014AP1960-CRNM      State of Wisconsin v. Daniel J. Guldan (L.C. #2013CF294)

Before Kloppenburg, P.J., Lundsten and Blanchard, JJ.

Daniel Guldan appeals an amended judgment that withdrew 126 days of sentence credit that had been granted to Guldan in the original judgment of conviction by stipulation of the parties. Attorney Andrew Hinkel has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2013-14);<sup>1</sup> *Anders v. California*, 386 U.S. 738, 744 (1967); *State ex rel. McCoy v. Wisconsin Court of Appeals*, 137 Wis. 2d 90, 403 N.W.2d 449

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<sup>1</sup> All further references in this order to the Wisconsin Statutes are to the 2013-14 version, unless otherwise noted.

(1987), *aff'd*, 486 U.S. 429 (1988). After reviewing the no-merit report and a response filed by Guldan, as well as the record, we conclude there are no arguably meritorious issues for appeal.

Hinkel has provided this court with authority supporting the circuit court's determination that the 126 days of sentence credit was duplicative because it had already been applied to a prior consecutive sentence. *See State v. Boettcher*, 144 Wis. 2d 86, 88-89, 100, 423 N.W.2d 533 (1988). Guldan concedes that, under the consecutive-sentence rule set forth in *Boettcher*, he was not entitled to have the sentence credit applied to both of his sentences. However, he argues that the parties' stipulation to the amount of sentence credit was essential to his plea agreement, and that he should therefore be allowed to withdraw his plea. Guldan also raises several additional grounds for plea withdrawal based upon allegations that trial counsel provided ineffective assistance by failing to file a suppression motion, to interview witnesses, or to investigate other evidence.

As counsel correctly notes, however, the scope of this appeal is limited to whether the circuit court correctly amended the judgment of conviction with respect to the amount of sentence credit. Because Guldan is not appealing the denial of a plea withdrawal motion, none of the issues he seeks to raise could be addressed on the current appeal.

Therefore,

IT IS ORDERED that the amended judgment correcting the amount of sentence credit to which Guldan is due is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Assistant State Public Defender Andrew Hinkel is relieved of any further representation of Guldan in this matter. *See* WIS. STAT. RULE 809.32(3).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*