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DISTRICT III

October 21, 2025

To:

Hon. Sarah M. Harless
Electronic Notice

John Blimling
Electronic Notice

Circuit Court Judge
Electronic Notice

Dennis Schertz
Electronic Notice

Cherie Norberg
Clerk of Circuit Court
Eau Claire County Courthouse
Electronic Notice

Leonard W. Freiburger 42025
Jackson Correctional Inst.
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Black River Falls, WI 54615-0233

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

2023AP2196-CRNM State of Wisconsin v. Leonard W. Freiburger
(L. C. No. 2020CF481)

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 Leonard Freiburger has filed a no-merit report concluding that no grounds exist to challenge Freiburger's conviction for operating a motor vehicle while intoxicated (OWI), as a seventh offense. Freiburger 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 record 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 judgment of conviction. *See* WIS. STAT. RULE 809.21 (2023-24).¹

The State charged Freiburger with OWI and operating with a prohibited blood-alcohol concentration (PAC), both counts as a seventh offense. At trial, Eau Claire Police Officer David Mikunda testified that he observed a group of people in a bar parking lot surrounding a motorcycle that was tipped over. A man, later identified as Freiburger, was “halfway seated on the cycle.” After making contact with Freiburger to inquire “what was going on,” Freiburger walked to a nearby vehicle and leaned against the car. Officer Mikunda noted that Freiburger appeared to have difficulty walking, and, during their conversation, the officer detected a strong odor of intoxicants coming from Freiburger’s person. The officer also noted that Freiburger’s upper body was swaying from side to side and his speech was slurred. Freiburger confirmed that he had been at the bar and further stated that the “crash occurred” because he hit “a concrete bumper or divider.” Freiburger also stated that he had been the operator of the motorcycle and was the only person riding it.

Officer Mikunda performed field sobriety tests on Freiburger, and placed him under arrest after determining that Freiburger showed signs of impairment. Because Freiburger indicated that his back was causing him pain, Freiburger was transported by ambulance to the hospital. At the hospital, Freiburger was read the “Informing the Accused” form, and he consented to a blood draw. A state crime laboratory analyst testified at trial that Freiburger’s blood sample had a .144 blood alcohol concentration.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

After the circuit court engaged Freiburger in an on-the-record colloquy, informing him of both his right to testify and his right to not testify, Freiburger decided not to testify on his own behalf. The jury found Freiburger guilty of the crimes charged. Out of a maximum possible sentence of twelve years and six months, the court imposed a six-year term, consisting of the mandatory minimum of three years of initial confinement followed by three years of extended supervision.²

The no-merit report addresses whether there was sufficient credible evidence to support the guilty verdicts; whether the circuit court properly exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Freiburger's trial counsel. Upon reviewing the record, 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 record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Dennis Schertz is relieved of his obligation to further represent Leonard Freiburger in this matter. *See* WIS. STAT. RULE 809.32(3).

² Pursuant to WIS. STAT. § 346.63(1)(c), which provides that if a person is found guilty of both offenses "for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing," Freiburger was sentenced only for the OWI conviction.

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

Samuel A. Christensen
Clerk of Court of Appeals