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DISTRICT IV

February 27, 2026

To:

Hon. Nicholas J. Brazeau Jr.
Circuit Court Judge
Electronic Notice

Kimberly Stimac
Clerk of Circuit Court
Wood County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Dennis Schertz
Electronic Notice

John A. Sarver 718006
Wisconsin Secure Program Facility
1101 Morrison Drive
Boscobel, WI 53805

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

2024AP951-CRNM State of Wisconsin v. John A. Sarver (L.C. # 2020CF581)

Before Blanchard, Kloppenburg, and Nashold, 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).

Attorney Dennis Schertz, as appointed counsel for John Sarver, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24) and *Anders v. California*, 386 U.S. 738 (1967).¹ Counsel provided Sarver with a copy of the report, and Sarver filed a response. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our

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

independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

After a jury trial, Sarver was convicted of one count of first-degree murder, contrary to WIS. STAT. § 940.01 (1983-84). The circuit court imposed a life sentence.

The no-merit report addresses whether the evidence was sufficient. We affirm the verdict unless the evidence, viewed most favorably to the State and the conviction, is so insufficient in probative value and force that no reasonable trier of fact could have found guilt beyond a reasonable doubt. *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Credibility of witnesses is for the trier of fact. *Id.* at 504.

Without attempting to recite the evidence in detail here, the testimony of witnesses, together with physical evidence, was sufficient. The evidence included a witness who testified that he was present at the scene of the murder shortly after it occurred, under circumstances from which it could reasonably be inferred that Sarver either committed the murder or aided and abetted in the murder. An expert testified that a palmprint found in the room where the victim's body was found matched Sarver's. This evidence was not inherently incredible and, if believed by the jury, was sufficient to satisfy the elements of first-degree murder. There is no arguable merit to this issue.

The no-merit report addresses Sarver's sentence. For this crime, the only available sentence was life imprisonment. WIS. STAT. § 939.50(3)(a) (1983-84). The court imposed that sentence. There is no arguable merit to this issue.

In Sarver's response to the no-merit report, he argues that the circuit court erred by denying his motion for a directed verdict at the close of the State's evidence. The legal test for such a motion is the same as the one we discussed above regarding the sufficiency of the evidence to support the verdict. *See* WIS. STAT. § 805.14(1), (3). Accordingly, there is no arguable merit to an argument that the court erred by denying a directed verdict.

Sarver's response also contains one sentence stating that his trial counsel failed to obtain exculpatory evidence as a result of inadequate pretrial investigation. However, Sarver does not provide any details about the nature of that evidence. Therefore, there is no basis to conclude that there may be arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Schertz is relieved of further representation of Sarver in this matter. *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