OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS
110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT III

March 10, 2026

To:

Hon. R. Michael Waterman
Circuit Court Judge
Electronic Notice

Kristi Severson
Clerk of Circuit Court
St. Croix County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Roberta A. Heckes
Electronic Notice

Christopher Dominic Mathauer
Washburn County Jail
421 Hwy 63
Shell Lake, WI 54871

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

2024AP1788-CRNM State of Wisconsin v. Christopher Dominic Mathauer
(L. C. No. 2021CF912)

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).

Christopher Mathauer appeals from a judgment convicting him of false imprisonment and from an order denying his postconviction motion for sentence modification. Attorney Roberta Heckes has filed a no-merit report seeking to withdraw as Mathauer's appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24).[1] The no-merit report sets forth the procedural history of the case and addresses Mathauer's no-contest plea, the conditions of his probation, and his trial

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

counsel's performance. Mathauer was informed of his right to respond to the no-merit report, but he has not filed a response. Having independently reviewed the entire record as mandated by ***Anders v. California***, 386 U.S. 738, 744 (1967), we conclude that there are no arguably meritorious issues for appeal. Therefore, counsel shall be allowed to withdraw, and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

The complaint charged Mathauer with kidnapping, felony intimidation of a victim, false imprisonment, and misdemeanor battery. The charges were based upon allegations that Mathauer had forced his then-girlfriend, who had a no-contact order against him, to drive him to the airport. During the incident, Mathauer struck the girlfriend in the jaw, threatened her with further violence, attempted to get her to call the district attorney to drop a pending assault charge, made her give him about $1,000 in cash, and made her leave her phone and keys in the car when they stopped at a gas station.

Mathauer agreed to plead no contest to the false imprisonment charge in exchange for the dismissal of the remaining charges as read-in offenses and for the State's agreement to cap its sentencing recommendation at twelve months' jail time. The circuit court accepted Mathauer's plea after conducting a plea colloquy, reviewing Mathauer's signed plea questionnaire with an attached jury instruction sheet, and ascertaining that the complaint provided a factual basis to support the plea.

The circuit court proceeded directly to sentencing following the plea. The court heard from counsel, the victim (who by then had married Mathauer and recanted several of the allegations), and Mathauer personally. The court noted that Mathauer had already spent time in jail on the prior assault case, which the court viewed as related to this case, and it concluded that

the public interest was best served by having Mathauer participate in domestic violence classes. The court then withheld sentence and imposed a three-year term of probation with conditions including completing a domestic violence assessment and following through on the recommendations from that assessment. The court also ordered, but stayed, 100 days of conditional jail time.

About two months after the judgment of conviction was entered, Mathauer filed a two-sentence, pro se motion to modify his sentence. The motion did not specify what modification was being requested or set forth any grounds for such modification. The circuit court denied the motion without a hearing.

Upon reviewing the record, we agree with counsel's analysis and conclusion that Mathauer has no arguably meritorious basis to challenge his plea, the length or conditions of his probation, or his trial counsel's performance. The circuit court conducted an adequate plea colloquy, and Mathauer does not assert that he misunderstood the charge or his rights. *See* WIS. STAT. § 971.08(1)(a); ***State v. Bangert***, 131 Wis. 2d 246, 389 N.W.2d 12 (1986) (discussing the requirements for plea colloquies). The court imposed the three-year term of probation requested by Mathauer for the purpose of obtaining treatment. *See* ***State v. Scherreiks***, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989) (explaining that a defendant may not challenge on appeal a sentence that he or she affirmatively approved). Trial counsel succeeded in negotiating a plea deal that significantly reduced Mathauer's sentence exposure and successfully argued for a term of probation.

In addition to the issues addressed by counsel, we see no basis to challenge the denial of Mathauer's sentence modification motion. Mathauer has not identified any grounds that would

entitle him to relief from his term of probation. We note that Mathauer's probation was subsequently revoked. However, that proceeding is outside the scope of our review of his judgment of conviction, and any sentence Mathauer subsequently received is not before us.

Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of ***Anders***. Accordingly, counsel shall be allowed to withdraw, and the judgment of conviction and the order denying the postconviction motion for sentence modification will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

IT IS ORDERED that the judgment of conviction and the order denying sentence modification are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Roberta Heckes is relieved of any further representation of Christopher Mathauer in this matter pursuant to 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