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DISTRICT IV

May 29, 2026

To:

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Circuit Court Judge
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Clerk of Circuit Court
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You are hereby notified that the Court has entered the following opinion and order:

2025AP789

State of Wisconsin v. Steven Mark Riehl (L.C. # 2021CF370)

Before Graham, P.J., Kloppenburg, and Taylor, 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).

Steven Riehl appeals an order denying his postconviction motion for plea withdrawal. Riehl argues that he received ineffective assistance of trial counsel because counsel failed to adequately investigate. He also argues that his plea was not knowingly, voluntarily, and intelligently entered because counsel coerced him into accepting the plea agreement. Based on our review of the briefs and record, we conclude at conference that this case is appropriate for

summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ For the following reasons, we affirm.

The State charged Riehl with two counts of first-degree sexual assault of a child. Pursuant to a plea agreement, Riehl pleaded no contest to one count and the other count was dismissed and read in for purposes of sentencing. The circuit court imposed a sentence consisting of sixteen years of initial confinement and ten years of extended supervision.

Proceeding pro se, Riehl filed a postconviction motion seeking plea withdrawal. He alleged that trial counsel did not properly investigate the sexual assaults and should have sought an independent medical or forensic examination of the victims. He also alleged that counsel coerced him into taking the plea offer and failed to explain his available options and the consequences of pleading no contest. The circuit court held a non-evidentiary hearing and ultimately issued an order that denied the postconviction motion without an evidentiary hearing.

Whether a postconviction motion alleges sufficient material facts to entitle a defendant to an evidentiary hearing presents a question of law that we review independently. *See State v. Romero-Georgana*, 2014 WI 83, ¶30, 360 Wis. 2d 522, 849 N.W.2d 668. A defendant is entitled to a hearing only when the motion alleges material facts that, if true, would entitle the defendant to relief. *State v. Allen*, 2004 WI 106, ¶14, 274 Wis. 2d 568, 682 N.W.2d 433. The motion must allege the “who, what, where, when, why, and how” of the claim. *Id.*, ¶23. Conclusory allegations are insufficient. *Id.*, ¶15.

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

Riehl's ineffective assistance allegations did not satisfy *Allen*. His motion alleged that counsel failed to properly investigate the sexual assaults and should have sought an independent medical or forensic evaluation. However, the motion did not explain what counsel would have discovered through further investigation, what an independent medical or forensic evaluation examination would have shown, or how additional investigation would have affected Riel's decision to plead no contest. *See id.*, ¶23. These omissions are significant because Riehl was required to allege facts showing not only deficient performance but also prejudice.

Riehl raises a new ineffective assistance argument on appeal, contending that counsel should have investigated an allegation that a police officer who was involved in the investigation of his case altered reports in an unrelated case. We generally do not consider arguments raised for the first time on appeal. *See State v. Van Camp*, 213 Wis. 2d 131, 144, 569 N.W.2d 577 (1997). Even if we were to consider the argument, it would not entitle Riehl to relief. Riehl does not explain what an investigation of the officer's conduct would have revealed that was relevant to this case, nor does he explain how that information would have affected his decision to enter a plea.

Riehl's coercion allegations are also insufficient. His motion alleged only that counsel coerced him into accepting the plea offer and failed to explain his options. The motion did not allege what counsel said or did that constituted coercion, when any coercive conduct occurred, or why the alleged conduct rendered Riehl's plea involuntary. *See Allen*, 274 Wis. 2d 568, ¶23.

Accordingly, the motion did not allege sufficient material facts to entitle Riehl to an evidentiary hearing.²

Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals

² We also observe that the appellate record does not contain a transcript of the postconviction motion hearing. When material portions of the record are missing, we assume that the missing material supports the circuit court's ruling. *See State v. McAttee*, 2001 WI App 262, ¶5 n.1, 248 Wis. 2d 865, 637 N.W.2d 774. However, because Riehl's postconviction motion is insufficient on its face, we need not rely on the absence of the transcript to affirm.