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**DISTRICT II**

July 1, 2026

To:

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Circuit Court Judge  
Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
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John Blimling  
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Laura M. Force  
Electronic Notice

Dusan D. Dragisich  
3162 S. 47th Street  
Milwaukee, WI 53219

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

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2024AP508-CRNM      State of Wisconsin v. Dusan D. Dragisich (L.C. #2020CF645)

Before Gundrum, Grogan, and Lazar, 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).**

Dusan D. Dragisich appeals from a judgment convicting him, following a jury trial, of operating a motor vehicle while intoxicated (OWI), as a ninth offense, and an order denying his postconviction motion for sentence modification. Attorney Laura M. Force has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24);<sup>1</sup> *Anders v. California*, 386 U.S. 738, 744 (1967); and *State ex rel. McCoy v. Wisconsin Court of Appeals*, 137 Wis. 2d 90, 403 N.W.2d 449 (1987), *aff'd*, 486 U.S. 429 (1988). Dragisich was

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

sent a copy of the report, and filed a response raising additional potential issues. Appellate counsel then filed a supplemental report addressing the issues Dragisich raised, pursuant to WIS. STAT. RULE 809.32(1)(f), to which Dragisich also responded. Upon reviewing the entire record, as well as the no-merit report, Dragisich's response, the supplemental report, and Dragisich's supplemental response, we conclude that there are no arguably meritorious appellate issues. Accordingly, we summarily affirm.

In June 2020, the State charged Dragisich with a number of criminal offenses after a Village of Caledonia police officer followed a car that was fluctuating at speeds between 40 and 50 miles per hour and swerving within its own lane of travel. The officer followed the car for about a mile and a half until the driver of the car pulled into a gas station. Dragisich was in the driver's seat, and his wife in the passenger seat, when the officer approached the car. The officer smelled alcohol emanating from Dragisich; an open alcohol container was in the center console next to Dragisich; Dragisich ultimately failed field sobriety tests; and a preliminary breath test indicated he was operating while intoxicated.

On December 1, 2020, Dragisich, through trial counsel, filed a speedy trial demand. Racine County, where Caledonia is located, had suspended jury trials due to the COVID-19 pandemic. During pretrial proceedings, the circuit court twice granted Dragisich's requests for his appointed trial counsel to withdraw, including on the day before trial on which Dragisich requested to proceed pro se at trial.

A two-day jury trial was held. Though Dragisich represented himself during voir dire and jury selection, he subsequently requested that stand-by counsel represent him for the remainder of the trial, which counsel did. At trial, the State presented testimony and physical

evidence from the arresting officer and a crime lab analyst. The State established that Dragisich, who was subject to a blood alcohol concentration (BAC) of .02, had a BAC of .092 when his blood sample was tested after the stop. The officer also testified that Dragisich had denied drinking alcohol at the scene, but had never denied that he was driving when the officer observed the questionable driving behaviors.

Dragisich presented a vigorous defense at trial, including testifying on his own behalf after the circuit court conducted a colloquy with Dragisich to establish that he was freely, knowingly, and voluntarily electing to do so. Dragisich's defense was that he had not been driving the car that day.

The jury convicted Dragisich of both counts that were ultimately charged in the Amended Information: Operating a Motor Vehicle While Under the Influence—ninth and Operating with a Prohibited Alcohol Concentration. After a sentencing hearing, the trial court sentenced Dragisich to six and a half years of initial confinement and four years of extended supervision. The court made him eligible for Substance Abuse Programming (SAP), but limited Dragisich's eligibility to the last 25% of his sentence.

Through counsel, Dragisich filed a postconviction motion arguing that he was entitled to sentence modification because of new information; namely, his time in confinement had made him more amenable to mental health treatment, including SAP, and he no longer wanted to wait for the last 25% of his sentence for treatment. The circuit court held a hearing and denied the motion. This no-merit appeal follows.

The no-merit report discusses: (1) whether Dragisich's constitutional right to a speedy trial was violated; (2) whether Dragisich would have a valid claim of ineffective assistance of

counsel for counsel's failure to file a collateral attack motion on his eight prior OWI convictions; (3) whether Dragisich's waiver of his right to counsel prior to the start of trial was valid; (4) the sufficiency of the evidence to support the convictions; and (5) whether the circuit court properly imposed sentence and properly denied the postconviction sentence-modification motion. Dragisich's initial response generally takes issue with appellate counsel's analysis of the potential issues and specifically raises potential issues surrounding trial counsel's alleged failure to obtain gas-station surveillance footage and failing to collaterally attack his eight prior OWI convictions. This court is satisfied that the no-merit report and supplemental report correctly analyze these issues as without merit.

However, as did appellate counsel in her supplemental report, we briefly address in more depth two issues that Dragisich raises in both of his responses: ineffective assistance of trial counsel for its failure to present allegedly exculpatory evidence at trial—video surveillance from the gas station—and failure to collaterally attack his prior OWI convictions.

Both the initial and supplemental reports and our review of the record confirm that there would be no basis on which to challenge trial counsel's performance. *See generally State v. Sholar*, 2018 WI 53, ¶32, 381 Wis. 2d 560, 912 N.W.2d 89 (discussing the standard for claims of ineffective assistance of counsel). Of importance here, the supplemental report notes that the gas station did not retain the surveillance footage at issue. It further states that there would be no basis on which to collaterally attack any of the earlier OWI convictions, and an earlier such attempt by one of Dragisich's prior trial attorneys had been denied by the circuit court there. We conclude that the no-merit report and supplemental report correctly analyze these issues as without merit.

Regarding Dragisich’s repeated insistence that his right to a speedy trial was violated, precedent of the United States Supreme Court and our supreme court establishes a four-factor balancing test to determine whether a constitutional speedy trial violation has occurred: (1) the overall length of the delay; (2) the reason or reasons for delays; (3) the defendant’s assertion of the speedy trial right; and (4) prejudice to the defendant. *State v. Ramirez*, 2025 WI 28, ¶30, 416 Wis. 2d 641, 22 N.W.3d 821 (citing *Barker v. Wingo*, 407 U.S. 514, 530 (1972)). “Like any balancing test, it requires the court to consider the totality of circumstances particular to the case.” *Id.*, ¶30 (citing *Barker*, 407 U.S. at 530). We are satisfied, under the totality of the circumstances here, that there was no violation of Dragisich’s speedy trial rights, whether constitutional or statutory. Many of the delays can be attributed to Dragisich himself due to his demonstrated inability to refrain from attempting to represent himself in the circuit court and to fire his appointed attorneys. The majority of the remaining delay is attributable to the COVID-19 pandemic; this court has held that the pandemic-related delay “is properly attributed to the State, but we give it no weight against the State.” *State v. Coleman*, 2025 WI App 7, ¶45, 415 Wis. 2d 71, 17 N.W.2d 307 (2024). There is no arguable merit to a challenge based on the right to a speedy trial.

In summary, a jury trial has many components which must be examined for the existence of potential appellate issues, including those discussed above, and pretrial rulings, voir dire, jury selection, evidentiary objections during trial, proper jury instructions, propriety of opening statements and closing arguments, a valid colloquy regarding the defendant’s rights to testify or not testify, and results of polling the jury. Upon our independent review of the record for potential issues in these areas, we similarly have found no other arguable basis for reversing the judgment of conviction. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d

124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.<sup>2</sup>

Upon the foregoing reasons,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed.

*See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that all outstanding motions are denied as moot.

IT IS FURTHER ORDERED that Attorney Laura M. Force is relieved from further representing Dusan D. Dragisich in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*

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<sup>2</sup> Throughout the pendency of this no-merit appeal, Dragisich has filed multiple motions and letters with this court related to the underlying circuit court proceedings. We have issued orders on several such motions and letters already, and hereby deny any outstanding motions and letters as moot given our conclusion that there are no issues of arguable merit for appeal.