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DISTRICT II

July 22, 2026

To:

Hon. Michael J. Aprahamian
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

John Blimling
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Kathleen A. Lindgren
Electronic Notice

Donald H. Duddles, #693704
Fox Lake Correctional Institution
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Fox Lake, WI 53933

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

2026AP529-CRNM State of Wisconsin v. Donald H. Duddles (L.C. #2021CF1630)

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).

Donald H. Duddles appeals from a judgment, following a jury trial, convicting him of third-degree sexual assault and incest. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Duddles received a copy of the report, was advised of his right to file a response, and has elected not to do so. After reviewing the Record and counsel's report, we conclude that there are no issues with

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

arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

The State charged Duddles with third-degree sexual assault and incest. At trial, Duddles' biological sister testified that she was sleeping in the living room of her house, and, at around 1:00 a.m., she was woken up by Duddles penetrating her anus with his penis without her consent. Duddles does not live with his sister but will stay at her residence if he has been drinking. The jury heard an audio of Duddles' interview with police. In the interview, Duddles advised police that he had been very intoxicated that night and he only remembered going to the bar and then waking up at his own residence.

Surveillance video showed Duddles leaving the bar around 12:25 a.m. His sister's residence is approximately a five-minute drive from the bar. According to a Wisconsin State Crime Laboratory scientist, there was "very strong support," which is the "highest finding" a scientist can make, that Duddles' DNA was included in a mixture of DNA found on the interior waistband of the shorts that his sister was wearing at the time of the assault. Duddles elected not to testify at trial. Ultimately, the jury convicted Duddles as charged. The court sentenced Duddles to consecutive sentences of three years' initial confinement and five years' extended supervision on each count. This no-merit appeal follows.

The no-merit report addresses whether the evidence was sufficient to support Duddles' conviction and whether the circuit court properly exercised its discretion at sentencing. We agree with counsel's analyses and conclusions as detailed in the no-merit report. We briefly comment on sufficiency of the evidence and sentencing.

The no-merit report addresses whether the evidence at Duddles’ jury trial was sufficient to support his convictions. When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury “unless the evidence, viewed most favorably to the state and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review of the trial transcript and exhibits persuades us that the State produced ample evidence to convict Duddles of his crimes.

As for the third-degree sexual assault conviction, the evidence introduced at trial established that Duddles inserted his penis into his sister’s anus and he did so without her consent. See WIS. STAT. § 940.225(3)(a); WIS JI—CRIMINAL 1218A (2018). In regard to the incest conviction, the evidence established that Duddles inserted his penis into his sister’s anus, that at the time he knew she was his biological sister, and she was in fact his biological sister. See WIS. STAT. § 944.06; WIS JI—CRIMINAL 1532 (2024). Based on all the evidence supporting the jury’s verdict, we agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit report also addresses whether the circuit court properly exercised its discretion at sentencing. The Record reveals that the court’s sentencing decision had a “rational and explainable basis.” See *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). Moreover, the sentence imposed does not “shock public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances.” See *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to Duddles’ sentence would lack arguable merit.

Our independent review of the Record—including jury selection, jury instructions, Duddles’ waiver of his right to testify, and closing arguments—does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Kathleen A. Lindgren of further representation in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Kathleen A. Lindgren is relieved of further representation of Donald H. Duddles in this matter.

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

Samuel A. Christensen
Clerk of Court of Appeals