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DISTRICT II

August 19, 2026

To:

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Circuit Court Judge
Electronic Notice

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Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

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Devon A. Sheriff #462866
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You are hereby notified that the Court has entered the following opinion and order:

2024AP1812-CRNM State of Wisconsin v. Devon A. Sheriff (L.C. #2022CF1605)

Before Lazar, P.J., Grogan, and LoCoco, 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).

Devon A. Sheriff appeals from a judgment convicting him, following a jury trial, of several counts stemming from a high-speed car chase that ended in a crash. Attorney Leonard D. Kachinsky has filed a no-merit report seeking to withdraw as appellate counsel. See WIS. STAT. RULE 809.32 (2023-24);¹ *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

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

U.S. 429 (1988). Sheriff was sent a copy of the report, and filed a response raising additional potential issues. No-merit counsel then filed a supplemental report addressing the issues Sheriff raised, pursuant to RULE 809.32(1)(f), to which Sheriff also responded. Upon reviewing the entire record, as well as the no-merit report, Sheriff's response, the supplemental report, and Sheriff's supplemental response, we conclude that there are no arguably meritorious appellate issues. Accordingly, we summarily affirm.

The State charged Sheriff with one count of fleeing and eluding, three counts of first-degree recklessly endangering safety, and one count each of obstructing an officer and possession of THC, as a repeat drug offender, after law enforcement officers followed a car that was attempting to evade arrest, travelling at speeds up to 100 miles per hour, nearly hitting a semi-truck and an SUV in the process. The officer followed the car for about 19 miles until it crashed. Sheriff was in the driver's seat, and his uncle, EA², in the passenger seat, when the officers approached the car. Sheriff exited the driver's side and tried to escape from the officers by running away. When Sheriff was taken to the hospital following the crash, a nurse found a baggie of a substance in Sheriff's shoe. That substance later tested positive for the presence of THC.

At the close of his preliminary hearing, Sheriff made a speedy-trial demand. During pretrial proceedings, the circuit court twice granted Sheriff's requests for his appointed counsel to withdraw. An additional withdrawal motion was granted when a third appointed attorney resigned from the State Public Defender's (SPD) office.

² This court uses initials for confidentiality. See WIS. STAT. RULE 809.81(8).

A two-day jury trial was held. At trial, the State presented testimony and physical evidence from officers involved in the car chase, including several videos taken by officers during the chase and the events that followed. The State established that Sheriff had been driving the fleeing vehicle and had placed his passenger and the other drivers on the road in danger.

Sheriff presented a vigorous defense at trial, including testifying on his own behalf after the circuit court conducted a colloquy with Sheriff to establish that he was freely, knowingly, and voluntarily electing to do so.³ Sheriff's defense was that he had not been driving the car during the chase because he did not have a valid driver's license.

At the close of the trial, the circuit court dismissed the obstruction charge because trial testimony established that Sheriff's obstructionist behavior occurred in another jurisdiction. The jury convicted Sheriff of all the other charges in the Information. After ordering a presentence investigation report (PSI) and holding a sentencing hearing, the court sentenced Sheriff to a total of five years of initial confinement and five years of extended supervision for the offenses the jury convicted him of. The court ordered the ten-year sentence to run consecutively to Sheriff's revocation sentence on a separate case. This no-merit appeal follows.

The no-merit report discusses: (1) whether Sheriff would have a valid claim of ineffective assistance of trial counsel; (2) whether the circuit court erroneously exercised its discretion in its pretrial orders and other procedural rulings; (3) the sufficiency of the evidence to support the

³ The circuit court ordered Sheriff's testimony to be stricken from the record after he refused to return to the courtroom during his trial to be cross-examined by the State.

convictions; and (4) whether the court properly imposed sentence. Sheriff’s initial response generally takes issue with appellate counsel’s analysis of the potential issues. It also raises specific issues surrounding his multiple attorneys’ alleged deficient performance, and what Sheriff perceives as unprofessional behavior and misconduct from his various appointed attorneys, government officials, and even the jury. However, nothing in the record before us supports Sheriff’s position. 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 his supplemental report, we briefly address in more depth the three issues that Sheriff raises in both of his responses: his assertion that his right to a speedy trial was violated; his claim that he is entitled to a new trial based on newly discovered evidence; and his statement that his appointed appellate counsel provided ineffective assistance.

We first address Sheriff’s repeated insistence in his responses that his right to a speedy trial was violated.⁴ The United States Supreme Court and our supreme court apply 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).

⁴ Ironically, despite his persistent insistence on appeal that his speedy-trial rights were violated, Sheriff complained at his sentencing hearing that his unacceptable, disruptive behavior throughout trial was attributable to what Sheriff referred to as “a rushed, speedy trial.”

We are satisfied, under the totality of the circumstances here, that there was no violation of Sheriff's speedy-trial rights, whether constitutional or statutory. According to the no-merit report, 167 days passed from when Sheriff first made his demand until the trial actually began. However, many of the delays can be attributed to Sheriff himself due to his demonstrated inability to refrain from attempting to represent himself in the circuit court (Sheriff repeatedly filed pro se motions with the court while represented by counsel) and to firing his appointed attorneys. The delay, though greater than the 90-day statutory deadline, was less than the one-year time period after which there is a presumptive violation. See *State v. Urdahl*, 2005 WI App 191 ¶12, 286 Wis. 2d 476, 704 N.W.2d 324; Wis. STAT. § 971.10(2)(a). Further, as to his statutory speedy-trial rights, the remedy for a violation of the 90-day period established by statute is limited to pre-trial release from custody and not dismissal or a new trial, as Sheriff submits. See § 971.10(2)(a), (4). There is no arguable merit to a challenge based on the right to a speedy trial.

Sheriff also argues that he is entitled to relief because of what he calls “newly discovered evidence” regarding EA, the passenger in the vehicle during the chase. EA was allegedly involved in a high-speed chase with police approximately two weeks prior to the incident using the same vehicle driven in this case. In addition, Sheriff claims to have an affidavit from EA stating that EA was the driver of the vehicle during the chase at issue here. Sheriff claims that this evidence was erroneously not presented at trial and, accordingly, this court should reverse his convictions and remand for a new trial in which he can present it.

We first observe that neither the evidence of EA's earlier chase nor the affidavit meets the definition of newly discovered evidence, as the parties were aware of the police report from the earlier event and the affidavit at the time of the trial. See *State v. Plude*, 2008 WI 58, ¶32,

310 Wis. 2d 28, 750 N.W.2d 42 (citation omitted). Moreover, as the initial and supplemental reports observe, the evidence of EA's other car chase would not be material or admissible under the rules of evidence. *See, e.g.*, WIS. STAT. §§ 904.03, 904.04, 904.06. There also is evidence that the affidavit was fraudulently obtained and contained false statements, meaning that it lacked sufficient indicia of reliability or guarantees of trustworthiness to present to the jury. *See* WIS. STAT. § 908.03. There is no arguable merit to a challenge based on the purported newly discovered evidence here.

Turning now to Sheriff's argument regarding appointed counsel's performance with respect to this no-merit appeal, both the initial and supplemental reports and our review of the record confirm that there would be no merit to this argument. *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 at first glance, counsel thought perhaps there might be meritorious issues on appeal as related to the reckless endangerment convictions, but determined after further review that there were no issues of arguable merit related to Sheriff's convictions. Although Sheriff takes issue with counsel's ultimate conclusion that there are no meritorious issues, we agree with counsel's analysis and conclude that the no-merit and supplemental reports correctly analyze these issues as without merit.

In sum, a jury trial has many components which must be examined for the existence of potential appellate issues, including those discussed above, as well as voir dire, jury selection, evidentiary objections during trial, proper jury instructions, propriety of opening statements and closing arguments, and a valid colloquy regarding the defendant's rights to testify or not testify. 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.

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 Leonard D. Kachinsky is relieved from further representing Devon A. Sheriff in this appeal. *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