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DISTRICT II

May 3, 2017

To:

Hon. Mark T. Slate
Circuit Court Judge
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You are hereby notified that the Court has entered the following opinion and order:

2016AP1455

State of Wisconsin v. Johnathon D. Petroski (L.C. #2002CF166)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

Johnathon D. Petroski appeals his 2003 plea of guilty to three counts of burglary, arguing that as the burglary statute does not begin with an enactment clause as required by article IV, section 17 of the Wisconsin Constitution his conviction and sentence should be vacated. Based upon 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 (2015-16).¹ The issue posed by Petroski

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

has already been answered in *State v. Weidman*, 2007 WI App 258, 306 Wis. 2d 723, 743 N.W.2d 854; a statute does not require an enacting clause. *Id.*, ¶6. As *Weidman* clearly answers Petroski's claim, we summarily affirm the circuit court's denial of Petroski's WIS. STAT. § 974.06 motion seeking to have his conviction and sentence vacated. See *Cook v. Cook*, 208 Wis. 2d 166, 190, 560 N.W.2d 246 (1997) (“[T]he court of appeals may not overrule, modify or withdraw language from a previously published decision of the court of appeals.”)

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published and may not be cited under WIS. STAT. RULE 809.23(3)(b).

Diane M. Fremgen
Clerk of Court of Appeals