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**DISTRICT III**

April 10, 2018

To:

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

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2017AP2466-CRNM      State of Wisconsin v. Jeffery S. Lenz (L. C. No. 2016CF21)

Before Stark, P.J, Hruz and Seidl, 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).**

Jeffrey Lenz appeals from a judgment of conviction for battery to a law enforcement officer and from an order denying his motion for sentence modification. His appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16),<sup>1</sup> and *Anders v.*

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

*California*, 386 U.S. 738 (1967). Lenz received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude that the judgment and order should be summarily affirmed because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Officers responded to a call that a possibly impaired person was found in a snowbank and needed assistance. Lenz was that person. Officers had handcuffed Lenz as he was going to be taken by ambulance for medical care. While an officer was emptying Lenz's pocket, Lenz head butted the officer, and causing him pain. Lenz was charged with battery to a law enforcement officer and misdemeanor bail jumping. Lenz entered a guilty plea to the battery charge, and the bail jumping charge was dismissed and read in at sentencing.<sup>2</sup> Lenz was sentenced to eighteen months' initial confinement and eighteen months' extended supervision. Lenz filed a motion for sentence modification on the ground that the extent of his medical problems and needs was unknown at the time of sentencing and presented a new factor warranting sentence modification. The circuit court concluded the unknown medical information would not have made any difference to the sentence, and it denied the postconviction motion.

The no-merit report addresses the potential issues of whether Lenz's plea was freely, voluntarily, and knowingly entered: whether the sentence was the result of an erroneous exercise of discretion, was unduly harsh or excessive, or was based on inaccurate information; and whether the circuit court properly denied the motion for sentence modification based on a new

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<sup>2</sup> At the same time, Lenz entered a guilty plea to a disorderly conduct charge in another case. That case is not before the court in this appeal.

factor. This court is satisfied that the no-merit report properly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Lenz further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment and order are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Catherine Malchow is relieved from further representing Jeffery S. Lenz 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*