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**DISTRICT III**

December 27, 2018

To:

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

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2017AP1745-CRNM      State of Wisconsin v. Vai Yang (L. C. No. 2016CF412)

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).**

Counsel for Vai Yang has filed a no-merit report concluding there is no basis to challenge Yang's convictions for battery, domestic abuse; robbery with use of force; false imprisonment; and second-degree recklessly endangering safety. Yang was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v.*

*California*, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal and summarily affirm. *See* WIS. STAT. RULE 809.21 (2015-16).<sup>1</sup>

A criminal complaint alleged that Yang entered the house of his father's girlfriend late in the evening, knocked her to the ground with a kick to the shoulder, and took her vehicle without her permission.<sup>2</sup> Yang then traveled to another location and forced his way into a residence. Yang awoke the resident and was yelling at this individual, "Where is Tyler and the black Cadillac." The individual believed this was a case of mistaken identity and advised Yang he did not know a "Tyler." Yang told the individual that he would be coming with Yang, and when the individual objected, Yang told him he was going with him "the easy way or the hard way." Yang instructed the individual to get into the front passenger seat of the stolen vehicle.

Yang then proceeded to drive at excessive speeds through Green Bay streets, weaving in and out of traffic in an erratic manner, striking several vehicles in the process. Yang continued to proceed until he eventually pulled over into a gas station parking lot. One of the vehicles Yang struck had followed Yang to the station and stopped behind the stolen vehicle. Yang instructed the individual in his vehicle to remain there while Yang got out and walked back toward the other vehicle with his fists clenched. The person in the other vehicle saw Yang approaching and pulled a pistol out from under his seat. Yang started punching the person in the face, a struggle ensued for the firearm, and Yang was shot in the stomach. Yang went back to his vehicle and drove away, but he eventually told his hostage to call an ambulance for him.

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

<sup>2</sup> The girlfriend told police at the scene that Yang had lived there since the previous year.

Yang was charged with seven counts, all as repeaters: (1) battery, domestic abuse; (2) robbery with use of force; (3) operating a motor vehicle without owner's consent; (4) criminal damage to property; (5) false imprisonment; (6) second-degree recklessly endangering safety; and (7) hit and run of an attended vehicle. Yang pleaded no contest to counts one, two, five and six, without the repeater enhancers, and the remaining counts were dismissed and read in. The circuit court imposed a sentence totaling six years' imprisonment and thirteen years' extended supervision, consisting of: sixty days' jail on count 1, concurrent to all other counts; one year of initial confinement and five years' extended supervision on count 2, consecutive to counts 5 and 6; three years' initial confinement and three years' extended supervision on count 5, consecutive to counts 2 and 6; and two years' initial confinement and five years' extended supervision on count 6, consecutive to counts 2 and 5.

The no-merit report addresses potential issues regarding whether Yang's no-contest pleas were knowingly, intelligently, and voluntarily entered; whether Yang waived nonjurisdictional issues by entering his pleas; and whether the circuit court properly exercised its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues raised and we will not further discuss them. Our independent review of the record discloses no other potential issues for appeal. Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Leonard D. Kachinsky is relieved of further representing Vai Yang in this matter. *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*