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**DISTRICT III**

January 8, 2019

To:

Hon. James A. Morrison  
Circuit Court Judge  
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Chad Allen Stauffacher 229248  
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You are hereby notified that the Court has entered the following opinion and order:

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2017AP2239-CRNM      State of Wisconsin v. Chad Allen Stauffacher  
(L. C. No. 2016CF59)

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 Chad Stauffacher has filed a no-merit report concluding there is no basis to challenge either Stauffacher's conviction for manufacture/delivery of THC and possession of drug paraphernalia, or the denial of his motion for postconviction relief. Stauffacher was advised of his right to respond and has failed to respond. 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>

Pursuant to a search warrant, police found in Stauffacher's bedroom a marijuana pipe, three "bongs" used to smoke marijuana, and eight marijuana plants in a terrarium. Stauffacher admitted the pipe and plants were his and stated that he was growing marijuana to treat his lung cancer. Stauffacher pleaded no contest to manufacture/delivery of THC and possession of drug paraphernalia, and another count of maintaining a drug trafficking place was dismissed and read in. The circuit court imposed a total sentence consisting of eighteen months' initial confinement and twenty-four months' extended supervision. The court subsequently denied a postconviction motion for sentence modification based upon a new factor, which was purportedly a determination by the Wisconsin Department of Corrections that Stauffacher was not suffering from lung cancer. Stauffacher argued that his medical needs, "less serious than the court believed, can be addressed in the community." However, at the motion hearing, Stauffacher admitted that he was never told he had lung cancer, and the court found that "to change the sentence at this point ... when he was the one who systematically lied to the system time and time again would make a mockery out of justice."

The no-merit report addresses potential issues regarding whether Stauffacher's plea was knowingly, intelligently, and voluntarily entered; whether a sufficient factual basis existed for the plea; whether the court properly exercised its sentencing discretion; and whether there is any arguable merit to challenge the denial of the motion for sentence modification. This court is

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

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.<sup>2</sup>

Therefore,

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

IT IS FURTHER ORDERED that attorney Susan Alesia is relieved of further representing Chad Stauffacher 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*

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<sup>2</sup> We note the COMPAS risk assessment was mentioned at sentencing, but the record shows it was not “determinative” of the sentences imposed. *See State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749. Any challenge to the sentence based on COMPAS would therefore lack arguable merit.