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DISTRICT III

March 10, 2026

To:

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Circuit Court Judge
Electronic Notice

Cherie Norberg
Clerk of Circuit Court
Eau Claire County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2025AP1156-CRNM State of Wisconsin v. Adam N. Langiewicz
(L. C. No. 2022CF21)

Before Stark, P.J., Hruz, and Gill, 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).

Adam N. Langiewicz appeals a judgment of conviction for one count of first-degree reckless injury (increased penalty for elder person victim). Langiewicz's appellate attorney, Dennis Schertz, has filed a no-merit report pursuant to ***Anders v. California***, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).[1] Langiewicz has filed a response to the no-merit report. Upon our independent review of the record, the no-merit report, and

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

Langiewicz's response, we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State filed a criminal complaint charging Langiewicz with one count of attempted first-degree intentional homicide and three counts of felony bail jumping. The complaint alleged that one morning in December 2021, Langiewicz knocked on the door of a residence where his neighbors—Jim and Gina—lived.[2] When Jim opened the door, Langiewicz "entered with a knife in his hand and exclaimed, 'You called the cops on me. I'm going to kill you both you son of a bitch.'" Langiewicz then attacked Jim with the knife, causing lacerations to Jim's hands and "a stab wound to [Jim's] left cheek above his [jawbone that] penetrated into his mouth and damaged several of his teeth and lacerated part of his tongue and mouth area." At some point during the attack, the knife broke, and Langiewicz "went into the kitchen and opened a utensil drawer looking for another knife." Langiewicz also threatened to kill Gina during the attack. The complaint further alleged that Langiewicz was released on bond in three felony cases at the time of these events.

Langiewicz entered pleas of not guilty and not guilty by reason of mental disease or defect (NGI), and the case was scheduled for a jury trial. However, the parties subsequently reached a plea agreement, which provided that Langiewicz would plead no contest to an amended charge of first-degree reckless injury (increased penalty for elder person victim), without abandoning his NGI plea to that count, and the bail jumping counts would be dismissed

[2] Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we refer to the victim and his wife using pseudonyms.

and read in. The agreement further provided that Langiewicz "would be allowed to waive his right to a jury trial" on the issue of his responsibility for the first-degree reckless injury charge. *See* ***State v. Fugere***, 2019 WI 33, ¶26, 386 Wis. 2d 76, 924 N.W.2d 469 (explaining that when a defendant enters an NGI plea, "the case is bifurcated into two phases: the guilt phase and the responsibility phase").

Following a plea colloquy, supplemented by a signed plea questionnaire and waiver of rights form, the circuit court accepted Langiewicz's no-contest plea, finding that it was freely and voluntarily entered. Langiewicz conceded that there was sufficient evidence for a jury to find him guilty of first-degree reckless injury, and the court found that there was an adequate factual basis for Langiewicz's plea to that charge. The court then conducted a colloquy with Langiewicz, supplemented by a signed waiver form, regarding his decision to waive his right to a jury trial during the responsibility phase of the case. After the colloquy, the court accepted Langiewicz's jury trial waiver, finding that it was made freely and voluntarily.

A bench trial regarding Langiewicz's responsibility for the first-degree reckless injury charge took place in January 2024. On the first day of trial, Langiewicz presented the testimony of Dr. Robert Bransfield, a psychiatrist, who opined that at the time of the crime, as a result of a mental disease or defect, Langiewicz was "impaired," was "not functioning with full normal mental capability that an intact person would have," was "blinded in a state of rage that impaired his ability to look at a broader context of what was happening," and was not able to conform his conduct to the requirements of the law.

When asked to specify the mental disease or defect from which Langiewicz was suffering at the time of the crime, Bransfield identified "neuropsychiatric impairments associated

with … Lyme [disease] and tick-borne infection, as well as impairments of other parts of [Langiewicz's] brain." Bransfield testified that patients with Lyme disease "sometimes … have what is called Lyme rage," which is a sudden rage that "overtakes them," and "they get this explosive rage and they just want to do something destructive," including killing themselves or others. Bransfield also testified that Langiewicz suffered from "mixed anxiety disorder" and posttraumatic stress disorder (PTSD), that he had a "significant history with alcoholism" that may have caused "brain impairment," and that he had a prior head injury that may have contributed to his symptoms.

After Bransfield testified, the defense called three law enforcement officers as witnesses, all of whom testified regarding their investigation of the crime and their interactions with Langiewicz that day. Following the officers' testimony, Langiewicz's attorney informed the circuit court that the defense did not intend to call any other witnesses. The court then engaged in a colloquy with Langiewicz regarding his waiver of his right to testify, and the court subsequently found that Langiewicz had freely and voluntarily waived that right.

On the second day of trial, the State called two witnesses to testify—Dr. Rebecca Seifert Lynch, a psychologist, and Dr. Chinmoy Gulrajani, a psychiatrist. Seifert Lynch diagnosed Langiewicz with three conditions: generalized anxiety disorder with panic attacks, unspecified depressive disorder, and alcohol abuse disorder in full remission in a controlled environment. Seifert Lynch further opined that Langiewicz was suffering from a mental disease or defect at the time of the offense. She concluded, however, that Langiewicz did not "lack substantial capacity to appreciate the wrongfulness of the act or conform his conduct to the requirements of the law." Instead, Seifert Lynch opined that Langiewicz's behavior at the time of the offense was "consistent with voluntary intoxication."

Gulrajani, in turn, diagnosed Langiewicz with alcohol use disorder, cannabis use disorder, sedative hypnotic use disorder, substance abuse mood disorder, and substance abuse anxiety disorder. Gulrajani concluded that at the time of the offense, Langiewicz did lack substantial capacity to appreciate the wrongfulness of his conduct or conform his conduct to the requirements of the law. Gulrajani opined, however, that Langiewicz's "incapacity was not the result of mental disease or defect, but instead the result of a voluntarily drugged condition." As a result, Gulrajani—like Seifert Lynch—concluded that Langiewicz did not meet the statutory criteria for an NGI defense.

The circuit court subsequently found that while Langiewicz had met his burden to show that he was suffering from a mental disease or defect at the time of the offense, he had not met his burden to show that, as a result of that mental disease or defect, he lacked substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law. The court explained that it found the opinions of Seifert Lynch and Gulrajani more credible than Bransfield's testimony. In support of that credibility finding, the court noted that Bransfield "had difficulty responding directly to questions asked by defense counsel concerning [his] opinions" and was "laser-focused on Lyme disease and just didn't have any time, really, for any other alternate explanation." Consistent with Seifert Lynch's and Gulrajani's testimony, the court found that "Langiewicz's altered state of mind at [the time of the offense] was … a result of his [voluntary] consumption of toxic levels of alcohol and drugs." Further, the court found that Langiewicz's "behavior the day of the incident was not Lyme rage, was not PTSD rage."

At sentencing, the circuit court explained that its primary objective in sentencing Langiewicz was "punishment"; that protection of the community was also a "huge factor"

driving its sentencing decision; and that the court's third sentencing objective was rehabilitation. In relation to those sentencing objectives, the court discussed Langiewicz's mental health and addiction issues; his criminal history; his character; the "vicious, violent" nature of the offense; Langiewicz's acceptance of responsibility and demeanor in court; and his age, health, education, and employment. The court then sentenced Langiewicz to nine years of initial confinement followed by five years of extended supervision. With the parties' agreement, the court awarded Langiewicz 855 days of sentence credit.

The no-merit report addresses whether there would be arguable merit to a claim that Langiewicz's no-contest plea was not entered knowingly, intelligently, or voluntarily. We agree with appellate counsel that this issue lacks arguable merit. The record shows that the circuit court complied with its mandatory duties during the plea colloquy, with two exceptions. *See* ***State v. Brown***, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. However, neither of those deficiencies gives rise to an arguably meritorious basis for appeal.

First, the circuit court failed to personally establish during the plea colloquy Langiewicz's understanding that the court was not bound by the terms of the plea agreement, including the State's sentence recommendation. *See* ***id.*** However, the plea agreement did not require the State to make any particular sentence recommendation, and the record indisputably shows that Langiewicz received the agreed-upon benefits of the plea agreement. Under these circumstances, the court's failure to inform Langiewicz that it was not bound by the terms of the plea agreement does not present a manifest injustice warranting plea withdrawal. *See* ***State v. Johnson***, 2012 WI App 21, ¶12, 339 Wis. 2d 421, 811 N.W.2d 441.

Second, the circuit court failed to ascertain during the plea colloquy whether any threats or promises, other than the plea agreement, had been made in connection with Langiewicz's anticipated plea. *See* ***Brown***, 293 Wis. 2d 594, ¶35. By order dated January 16, 2026, we requested further input from appellate counsel as to whether this defect in the plea colloquy gave rise to an issue of arguable merit. In response, counsel has informed us that Langiewicz "does not wish to pursue" this issue. Moreover, there is nothing in the record—or in Langiewicz's response to the no-merit report—to suggest that Langiewicz's plea was, in fact, based on improper threats or promises. *See* ***State v. Moederndorfer***, 141 Wis. 2d 823, 829 n.2, 416 N.W.2d 627 (Ct. App. 1987). Accordingly, we will not address this issue further.

Although not specifically addressed in the no-merit report, we further conclude that there would be no arguable merit to a claim that Langiewicz did not validly waive his right to a jury trial during the responsibility phase of the proceedings. The record shows that the circuit court's colloquy with Langiewicz regarding that waiver complied with the requirements set forth in ***State v. Anderson***, 2002 WI 7, ¶24, 249 Wis. 2d 586, 638 N.W.2d 301. Additionally, we note that the court also conducted an adequate colloquy with Langiewicz regarding his waiver of the right to testify at trial. *See* ***State v. Weed***, 2003 WI 85, ¶43, 263 Wis. 2d 434, 666 N.W.2d 485.

The no-merit report next addresses whether the circuit court erred by finding that Langiewicz had failed to meet his burden of proof on his NGI defense. To meet his burden of proof, Langiewicz needed to show that: (1) he had a mental disease or defect at the time of the offense; and (2) as a result of the mental disease or defect, he lacked substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law. *See* WIS JI—CRIMINAL 605. "[W]hether a person has met his or her burden on the question of mental responsibility is a question of fact, subject to a clearly erroneous standard of review."

State v. Kucharski, 2015 WI 64, ¶9, 363 Wis. 2d 658, 866 N.W.2d 697. A finding of fact is clearly erroneous when it is against the great weight and clear preponderance of the evidence. ***Phelps v. Physicians Ins. Co. of Wis.***, 2009 WI 74, ¶39, 319 Wis. 2d 1, 768 N.W.2d 615.

Here, there was ample evidence supporting the circuit court's finding that Langiewicz failed to meet his burden of proof. Both Seifert Lynch and Gulrajani opined that, at the time of the offense, Langiewicz did not lack substantial capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law *as a result of a mental disease or defect* because Langiewicz's behavior at the time of the offense was the result of voluntary intoxication. "A voluntarily induced state of intoxication by drugs or alcohol or both does not constitute a mental disease or defect." WIS JI—CRIMINAL 605.

In his response to the no-merit report, Langiewicz essentially seeks to relitigate his NGI trial, asserting that the circuit court erred by crediting the opinions of Seifert Lynch and Gulrajani and should have instead credited Bransfield's testimony that Langiewicz committed the offense while in a state of uncontrollable "Lyme rage." However, the circuit court specifically explained why it found the testimony of Seifert Lynch and Gulrajani more credible than Bransfield's testimony. "When the circuit court acts as the finder of fact, it is the ultimate arbiter of the credibility of the witnesses and the weight to be given to each witness's testimony." ***State v. Peppertree Resort Villas, Inc.***, 2002 WI App 207, ¶19, 257 Wis. 2d 421, 651 N.W.2d 345. Nothing in Langiewicz's response to the no-merit report would support a determination that the court's credibility findings in this case were clearly erroneous. *See* ***Lessor v. Wangelin***, 221 Wis. 2d 659, 665-66, 586 N.W.2d 1 (Ct. App. 1998) (applying the "clearly erroneous" standard of review to findings regarding witness credibility).

The no-merit report also addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its sentencing discretion. We agree with appellate counsel's assessment that this issue lacks arguable merit. During its sentencing remarks, the court considered appropriate sentencing factors and objectives, *see* ***State v. Gallion***, 2004 WI 42, ¶¶39-43, 270 Wis. 2d 535, 678 N.W.2d 197, before imposing a sentence authorized by law. Furthermore, Langiewicz's 14-year sentence, which is well within the 31-year maximum, is presumptively not unduly harsh or unconscionable, nor is it "so excessive and unusual" as to shock public sentiment. *See* ***State v. Grindemann***, 2002 WI App 106, ¶¶31-32, 255 Wis. 2d 632, 648 N.W.2d 507 (citation omitted).

In his response to the no-merit report, Langiewicz seeks a "sentence reduction," again arguing that he committed the offense as a result of his Lyme disease. During its sentencing remarks, the circuit court expressly considered the impact of Langiewicz's Lyme disease, but the court nevertheless determined that a 14-year sentence was necessary to serve its sentencing objectives of punishment, protection of the community, and rehabilitation. While Langiewicz may disagree with the court's exercise of discretion in that regard, nothing in his response to the no-merit report would support an arguably meritorious claim that the court erroneously exercised its sentencing discretion. Additionally, Langiewicz's response to the no-merit report does not assert that Langiewicz is entitled to resentencing because the court relied on inaccurate information at sentencing, *see* ***State v. Tiepelman***, 2006 WI 66, ¶17, 291 Wis. 2d 179, 717 N.W.2d 1, nor does Langiewicz identify any new factor that could form the basis for a motion for sentence modification, *see* ***State v. Harbor***, 2011 WI 28, ¶35, 333 Wis. 2d 53, 797 N.W.2d 828.

Finally, the no-merit report asserts that there would be no arguable merit to a claim that Langiewicz's trial attorney was constitutionally ineffective. We agree with appellate counsel that the record does not contain any arguable basis for an ineffective assistance of trial counsel claim. We also note that Langiewicz's response to the no-merit report does not raise any concerns regarding his trial attorney's performance.

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 Dennis Schertz is relieved of further representation of Adam N. Langiewicz in this matter. *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