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**DISTRICT II**

December 26, 2024

To:

Hon. Paul Bugenhagen Jr.  
Circuit Court Judge  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Monica Paz  
Clerk of Circuit Court  
Waukesha County Courthouse  
Electronic Notice

Samuel J. Eichstaedt, #701504  
Waupun Correctional Inst.  
P.O. Box 351  
Waupun, WI 53963-0351

Thomas Brady Aquino  
Electronic Notice

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

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2024AP696-CRNM      State of Wisconsin v. Samuel J. Eichstaedt (L.C. #2020CF1720)

Before Gundrum, P.J., Grogan and Lazar, 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).**

Samuel J. Eichstaedt (Eichstaedt) appeals from a judgment of conviction for first-degree intentional homicide entered after a jury found him guilty following a four-day trial. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Eichstaedt was sent a copy of the report and advised of his right to file a response—he has not done so. Upon consideration of the report and an

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

independent review of the Record, we conclude there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

Following a jury trial, Eichstaedt was convicted of intentional homicide for causing the death of his father, Gary Eichstaedt (Gary). The circuit court imposed a mandatory life sentence without eligibility for extended supervision. This no-merit appeal follows.

The no-merit report addresses the following issues: (1) whether the trial court erroneously denied Eichstaedt’s suppression motion; (2) whether the State produced sufficient evidence of Eichstaedt’s guilt; (3) whether any of the court’s rulings at Eichstaedt’s trial amounted to reversible error; and (4) whether the court erroneously exercised its discretion in sentencing the defendant. We address each issue in turn below.

The no-merit report first addresses whether the trial court erred in denying Eichstaedt’s motion to suppress incriminating statements he made during a police interview. Eichstaedt argued that he did not waive his right to an attorney and his statements were otherwise involuntary. Following an evidentiary hearing, the court denied Eichstaedt’s motion, finding that Eichstaedt’s statements had been voluntary. The no-merit report notes that the court’s written order denying Eichstaedt’s suppression motion includes a lengthy “Findings of Fact” section, and there is no basis for claiming that any of the court’s findings were clearly erroneous, including that Eichstaedt was read his *Miranda* rights, understood his rights, and expressly waived those rights. Upon our independent review, we agree with the analysis from the report that there would be no merit to an appeal on any of the suppression issues raised in Eichstaedt’s motion.

The no-merit report also addresses whether the evidence at Eichstaedt's jury trial was sufficient to support his conviction. When reviewing the sufficiency of the evidence, we may not substitute our judgment for that of the jury "unless the evidence, viewed most favorably to the state and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Our review of the trial transcripts persuades us that the State produced ample evidence to convict Eichstaedt of his father's homicide. That evidence included testimony from the family member who found Gary lying in a pool of blood on the kitchen floor, from members of law enforcement who investigated the events at issue in Eichstaedt's trial, from individuals who contradicted Eichstaedt's various timelines to police, from Eichstaedt's family members and friends regarding his behavior during the time surrounding Gary's death, and from medical professionals regarding the autopsy report and the cause of death. There were also numerous photos of Gary's injuries presented demonstrating that his injuries could not have resulted from a fall. Additionally, there was documentary evidence obtained from Eichstaedt's cell phone and computer pursuant to search warrants that further supported the jury's finding of Eichstaedt's guilt. We agree with counsel that a challenge to the sufficiency of the evidence would lack arguable merit.

The no-merit report next addresses whether there would be any arguable merit to a challenge to any of the court's rulings during the trial. Based on counsel's examination of every phase of the trial, the report concludes that there were no instances of the trial court making an erroneous ruling over Eichstaedt's objection that would support an appeal, *see* WIS. STAT. § 901.03. The report also concludes that there were no instances of plain error at any phase of the trial that would support an appeal. This court is satisfied that the no-merit report correctly

analyzes the issues it raises regarding the court’s rulings as without merit, and we will not discuss them further.

There also is no arguable merit to a claim that the trial court improperly exercised its sentencing discretion. In imposing sentence, the court considered the seriousness of the offenses, Eichstaedt’s character, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶40-44, 270 Wis. 2d 535, 678 N.W.2d 197. Trial counsel submitted a private sentencing memorandum on Eichstaedt’s behalf. Eichstaedt also had the opportunity to address the court directly, and did so prior to the court’s imposition of sentence. The court had no discretion regarding its imposition of a life sentence, *see* WIS. STAT. §§ 940.01(1)(a), 939.50(3)(a), and the court fully explained its rationale for denying Eichstaedt extended supervision. Under the circumstances, it cannot reasonably be argued that Eichstaedt’s sentence is so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Finally, our independent review of the Record—including search warrants, jury instructions, the colloquy surrounding Eichstaedt’s decision to exercise his right to not testify, opening statements, and closing arguments—does not disclose any potentially meritorious issue for appeal. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Thomas Brady Aquino of further representation in this matter.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Thomas Brady Aquino is relieved from further representing Samuel J. Eichstaedt 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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*Samuel A. Christensen*  
*Clerk of Court of Appeals*