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DISTRICT II

February 19, 2025

To:

Hon. Natasha L. Torry
Circuit Court Judge
Electronic Notice

Chris Koenig
Clerk of Circuit Court
Sheboygan County Courthouse
Electronic Notice

George Tauscheck
Electronic Notice

Jennifer L. Vandermeuse
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Christy C. Groh #49072
Oshkosh Correctional Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2024AP1694-CRNM State of Wisconsin v. Christy C. Groh (L.C. #2016CF163)

Before Gundrum, P.J., Neubauer and Grogan, 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).

Christy C. Groh appeals a judgment of conviction, entered on his no-contest pleas, for repeated sexual assault of the same child and first-degree child sexual assault—sexual contact with a child under the age of thirteen. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Groh was advised of his right to file a response and has not responded. After reviewing the record and

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

counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Following disclosures by two child victims, the State charged Groh with repeated sexual assault of a child (as to one child) and first-degree child sexual assault—sexual contact with a child under the age of thirteen (as to the other child). Because Groh had previously been convicted of a serious child sex offense, the State also charged him as a persistent repeater. *See* WIS. STAT. § 939.62(2m)(b)2. As a persistent repeater, “the term of imprisonment ... is life imprisonment without the possibility of parole or extended supervision.” Sec. 939.62(2m)(c).

Pursuant to a plea agreement, Groh pled to both charges without the persistent repeater enhancer. The State agreed to recommend consecutive sentences of twenty years' initial confinement and twenty years' extended supervision on the repeated-sexual-assault-of-a-child count and ten years' initial confinement and ten years' extended supervision on the first-degree-child-sexual-assault count. The circuit court sentenced Groh to a cumulative sentence of forty years' initial confinement and thirty years' extended supervision.² This no-merit appeal follows.

The no-merit report addresses potential issues of whether Groh's pleas were knowingly, voluntarily, and intelligently entered and whether the circuit court properly exercised its discretion at sentencing.

We first agree with counsel's analysis and conclusion that any challenge to the validity of Groh's pleas would lack arguable merit. *See State v. Bangert*, 131 Wis. 2d 246, 260, 389

² Specifically, the circuit court sentenced Groh to thirty years' initial confinement and twenty years' extended supervision on the repeated-sexual-assault-of-a-child count and ten years' initial confinement and ten years' extended supervision on the first-degree-child-sexual-assault count.

N.W.2d 12 (1986). Our review of the record and of counsel's analysis in the no-merit report satisfies us that the circuit court complied with its obligations for taking Groh's pleas. *See* WIS. STAT. § 971.08; **Bangert**, 131 Wis. 2d at 261-62; **State v. Brown**, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.

With regard to the circuit court's sentencing discretion, our review of the record confirms that the circuit court appropriately considered the relevant sentencing objectives and factors. *See State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695; **State v. Ziegler**, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. The resulting sentence was within the maximum authorized by law. *See State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449. The sentence was not so excessive so as to shock the public's sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Therefore, there would be no arguable merit to a challenge to the court's sentencing discretion.

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

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 George Tauscheck is relieved of further representation of Christy C. Groh in this appeal. *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