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**DISTRICT III**

April 15, 2025

To:

Hon. Scott J. Nordstrand  
Circuit Court Judge  
Electronic Notice

John Blimling  
Electronic Notice

Kristi Severson  
Clerk of Circuit Court  
St. Croix County Courthouse  
Electronic Notice

Leonard D. Kachinsky  
Electronic Notice

Johnny Ray Martin  
1540 7th Avenue S.E.  
Rochester, MN 55904

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

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2023AP915-CRNM      State of Wisconsin v. Johnny Ray Martin  
(L. C. No. 2018CF630)

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).**

Johnny Ray Martin appeals from a judgment convicting him of eight counts of failure to support a child. Attorney Leonard D. Kachinsky has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24).<sup>1</sup> The no-merit report sets forth the procedural history of the case and addresses trial counsel's performance, the circuit court's rulings on several motions, the sufficiency of the evidence to support the verdicts, and the imposition of probation with conditional jail time on each of the counts. Martin was advised of his right to respond to the no-merit report, but he has not filed a response. Having independently

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted.

reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude there are no arguably meritorious issues for appeal.

The State charged Martin with eight counts of failure to pay child support, each for a period of 120 consecutive days occurring between November 1, 2015, and June 30, 2018.

At trial, the State presented evidence that a court had ordered Martin to pay \$255 per month in child support, plus \$25 per month on arrearages, commencing November 1, 2015. When the child support order was entered, Martin was earning \$11 per hour. Martin did not ask to modify that order until December 2018, and it remained in effect at the time of trial. The child support agency's records showed that Martin had made no child support payments under the order as of August 16, 2018, when a report was prepared.

Martin presented testimony from a physician's assistant, Sarah Savengseuksa, who had treated Martin and reviewed his medical and mental health records. Savengseuksa diagnosed Martin with posttraumatic stress disorder, stemming from having suffered multiple stab wounds. Based upon that diagnosis, in conjunction with Martin's prior diagnosis of bipolar disorder and several abdominal hernias related to the stabbings, Savengseuksa retroactively certified Martin as being permanently disabled and unable to work as of August 14, 1999.

The circuit court excluded testimony that the child's mother had filed false police reports about Martin, and it admitted testimony that the disability certification was undermined by the fact that Martin had, in fact, worked multiple full-time jobs after 1999. The court also denied a request to allow Martin to stand periodically during the trial, instead limiting his standing to break periods.

A jury found Martin guilty on all eight counts. The circuit court ordered a presentence investigation report and subsequently held a sentencing hearing. After hearing from the parties, the court discussed proper sentencing factors, including: the gravity of the offense; sentencing goals, such as punishment, rehabilitation, deterrence, and the need to protect the public; and Martin's character. *See State v. Gallion*, 2004 WI 42, ¶¶40-41, 270 Wis. 2d 535, 678 N.W.2d 197. The court then withheld sentence and placed Martin on probation for a period of ten years and it imposed a six-month conditional jail term and costs on each count. The court stayed seven of the eight conditional jail terms and authorized Huber work release for the remaining count.

We agree with counsel's description, analysis, and conclusion that any challenges to the sufficiency of the evidence, the circuit court's rulings, the probation terms, or trial counsel's performance would lack arguable merit. Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*. Accordingly, counsel shall be allowed to withdraw, and the judgment of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

Upon the foregoing,

IT IS ORDERED that the judgment of conviction is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Leonard D. Kachinsky is relieved of any further representation of Johnny Ray Martin in this matter pursuant to 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*