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DISTRICT II

July 2, 2025

To:

Hon. Kristine E. Drettwan
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Michele Jacobs
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Nathan R. Boehm #673159
Wisconsin Resource Center
P.O. Box 220
Winnebago, WI 54985-0220

Jill Marie Skwor
Electronic Notice

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

2024AP2000-CRNM State of Wisconsin v. Nathan R. Boehm (L.C. #2022CF452)

Before Neubauer, 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).

Nathan R. Boehm appeals a judgment convicting him of two counts of identity theft and three counts of knowingly posting or publishing a private depiction of an individual without consent, as a repeat offender. Attorney Jill Marie Skwor has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24);¹ *see also Anders v. California*, 386 U.S. 738, 744 (1967). The no-merit report addresses the validity of the plea and

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

the circuit court's exercise of sentencing discretion. Boehm was sent a copy of the report and advised of his right to file a response. He has not done so. Upon reviewing the entire Record and the no-merit report, 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.

First, we see no arguable basis for plea withdrawal. In order to withdraw a plea after sentencing, a defendant must either show that the plea colloquy was defective in a manner that resulted in the defendant actually entering an unknowing plea, or demonstrate some other manifest injustice such as coercion, the lack of a factual basis to support the charge, ineffective assistance of counsel, or failure by the prosecutor to fulfill the plea agreement. *State v. Bangert*, 131 Wis. 2d 246, 272-78, 389 N.W.2d 12 (1986). There is no indication of any such defect here.

Boehm entered guilty pleas to two counts of identity theft and three counts of knowingly posting or publishing a private depiction of an individual without consent, as a repeat offender. Ten felony charges were dismissed and read in. The circuit court conducted a standard plea colloquy, inquiring into Boehm's ability to understand the proceedings and the voluntariness of his plea decision and further exploring his understanding of the nature of the charge, the penalty range, other direct consequences of the plea, and the constitutional rights being waived. *See State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794; and *Bangert*, 131 Wis. 2d at 266-72. The court made sure Boehm understood that it would not be bound by any sentencing recommendations. In addition, Boehm provided the court with a signed plea questionnaire. Boehm indicated to the court that he understood the information explained on that form, and is not now claiming otherwise. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987).

Boehm's counsel stated on the record that there was a factual basis for the plea, and there is nothing in the Record or the no-merit report that leads us to conclude otherwise. Nothing in our independent review of the Record would support a claim that trial counsel rendered ineffective assistance or that the prosecutor failed to abide by the plea agreement. Boehm has not alleged any other facts that would give rise to a manifest injustice. Therefore, the plea was valid and operated to waive all nonjurisdictional defects and defenses, aside from any suppression ruling. *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing sentence, the court considered the seriousness of the offenses, Boehm's character, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶13, 40-44, 270 Wis. 2d 535, 678 N.W.2d 197. Boehm had the opportunity, through his counsel, to comment on the presentence investigation report. He also had the opportunity to address the court directly, and did so prior to the court's imposition of sentence.

The circuit court imposed seventeen years of initial confinement and nine years of extended supervision, which amounted to the aggregate maximum time provided by the statutes. The court did not impose any fines, though the statutes also provide a maximum of \$50,000 in fines for Boehm's convictions. "A sentence well within the limits of the maximum sentence is not so disproportionate to the offense committed as to shock the public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances." *State v. Daniels*, 117 Wis. 2d 9, 22, 343 N.W.2d 411 (Ct. App. 1983); *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Upon our independent review of the Record, we have found no other arguable basis for reversing the judgment of conviction. *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.

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 Jill Marie Skwor is relieved from further representing Nathan R. Boehm 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