

SUPREME COURT OF WISCONSIN

CASE No. : 2004AP3285-CR

COMPLETE TITLE :

State of Wisconsin,
Plaintiff-Respondent,
v.
Geoffrey D. Kasmarek,
Defendant-Appellant-Petitioner.

REVIEW OF A DECISION OF THE COURT OF APPEALS
(no cite)

OPINION FILED: November 9, 2006

SUBMITTED ON BRIEFS:

ORAL ARGUMENT: October 30, 2006

SOURCE OF APPEAL:

COURT: Circuit
COUNTY: Waukesha
JUDGE: Mark S. Gempeler & Donald J. Hassin, Jr.

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING:

ATTORNEYS:

For the defendant-appellant-petitioner there were briefs by *Jeffrey W. Jensen* and *Law Offices of Jeffrey W. Jensen*, Milwaukee, and oral argument by *Jeffrey W. Jensen*.

For the plaintiff-respondent the cause was argued by *Eileen W. Pray*, assistant attorney general, with whom on the brief was *Peggy A. Lautenschlager*, attorney general.

NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 2004AP3285-CR
(L.C. No. 2002CF975)

STATE OF WISCONSIN

:

IN SUPREME COURT

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FILED

NOV 9, 2006

Cornelia G. Clark
Clerk of Supreme Court

REVIEW of a decision of the Court of Appeals. *Dismissed as improvidently granted.*

¶1 PER CURIAM. Geoffrey D. Kasmarek (Kasmarek) petitioned this court for review of a court of appeals decision which summarily affirmed a judgment of conviction and order denying postconviction relief, entered in the Waukesha County Circuit Court, the Honorable Mark S. Gempeler and the Honorable Donald J. Hassin, Jr., respectively, presiding.

¶2 Kasmarek petitioned this court for review stating his specific grounds as follows:

the issue presented by this petition is one which offers the Supreme Court the opportunity to clarify the law concerning when a sentence is unduly harsh. In the past the courts have consistently held that the statutory maximum is the primary protection against unduly harsh sentences; however, these cases rarely involve numerous counts of crimes with lengthy maximums. . . .

¶3 We accepted review to determine the issue presented.

¶4 After examining the record, along with the briefs of the parties, and after hearing oral argument, we have determined that the request to clarify the unduly harsh standard as applied to multiple count sentences was, to a large extent, not presented. Instead the argument focused, almost entirely, on whether the circuit court's explanation for the sentence imposed was sufficient.

¶5 Under these circumstances, we conclude that this case does not adequately present the issue for which we granted review; therefore, we dismiss the petition for review.

By the Court.—The review of the decision of the court of appeals is dismissed as improvidently granted.

