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DISTRICT II

November 1, 2023

To:

Hon. Scott C. Woldt
Circuit Court Judge
Electronic Notice

Tara Berry
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

Susan E. Alesia
Electronic Notice

Kathilynne Grotelueschen
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Ian L. Suzuki, #698412
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2021AP1622-CRNM State of Wisconsin v. Ian L. Suzuki (L.C. #2020CF113)

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).

Ian L. Suzuki appeals from a judgment convicting him of first-degree reckless homicide. His appellate counsel filed a no-merit report as to this appeal pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967).² Suzuki was sent a

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

² Attorney Kathilynne A. Grotelueschen was appointed as Suzuki's appellate counsel and filed a no-merit report seeking an order relieving her of further representation of Suzuki in this matter. While this opinion and order was pending, Attorney Susan E. Alesia was appointed as Grotelueschen's co-counsel.

copy of the report, was advised of his right to file a response, and has not done so. Upon consideration of the report and an 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.

The State charged Suzuki with first-degree intentional homicide and battery as an act of domestic abuse after an argument between Suzuki and his mother ended with Suzuki knocking his mother to the ground and stabbing his mother's friend J.P. When police arrived, Suzuki told them he had stabbed J.P. in the neck and asked police to save J.P. J.P. was later pronounced dead at a local hospital. Police who were at the scene reported Suzuki apologized repeatedly for the stabbing. Suzuki also informed police where they would find the knife he used to stab J.P. Suzuki was arrested, read his *Miranda* rights,³ and opted not to make any further statements without counsel present.

Suzuki waived his preliminary hearing. He entered a plea of not guilty at his arraignment and later added a plea of not guilty by reason of mental disease or defect. The circuit court ordered an evaluation. After meeting with Suzuki and reviewing the relevant records, the evaluating doctor concluded that Suzuki's plea of not guilty by reason of mental disease or defect was not supported. Suzuki did not challenge the doctor's conclusion.

The matter was ultimately resolved pursuant to a plea agreement in which Suzuki agreed to plead to a reduced charge of first-degree reckless homicide with the battery charge dismissed and read in. As to sentencing, the plea agreement provided that the State would cap its initial

³ *See Miranda v. Arizona*, 384 U.S. 436 (1966).

confinement recommendation at thirty to forty years.⁴ The State also would request a period of extended supervision, but the agreement was silent as to the length of the State's supervision request. The defense would be free to argue for whatever sentence it desired.

Prior to the plea hearing, defense counsel submitted a plea questionnaire and waiver of rights form signed by Suzuki. At the plea hearing, Suzuki entered a plea of no contest to the reduced homicide charge. The circuit court engaged in a standard plea colloquy with Suzuki, confirming that Suzuki fully understood the proceedings and the rights he was giving up. The court accepted Suzuki's plea as knowing, voluntary, and intelligent. The court convicted Suzuki of first-degree reckless homicide and ordered a presentence investigation (PSI).

At the sentencing hearing, the State argued for thirty to forty years of initial confinement and a lengthy period of extended supervision but did not advocate for a specific number of total years. Defense counsel argued for a prison term totaling twenty-five years. The circuit court acknowledged reviewing the PSI, noting some concerns it had with the report. In particular, the court took issue with the PSI writer's recommendation of four years of extended supervision as being far too short under the circumstances. The court considered Suzuki's character in general and Suzuki's remorse almost immediately after stabbing J.P. The court also recognized the serious nature of the offense and found the need to protect the public made prison the only valid option. The court then sentenced Suzuki to thirty years of initial confinement and ten years of extended supervision. This no-merit appeal follows.

⁴ First-degree reckless homicide is a Class B felony, which has a maximum penalty of sixty years of imprisonment. *See* WIS. STAT. §§ 940.02(1), 939.50(3)(b).

The no-merit report addresses: (1) whether Suzuki’s plea was entered knowingly, voluntarily, and intelligently; and (2) whether there is any meritorious basis for Suzuki to challenge the sentence imposed by the circuit court. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

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 Attorneys Kathilynne A. Grotelueschen and Susan E. Alesia are relieved from further representing Ian L. Suzuki 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