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**DISTRICT III**

January 4, 2024

To:

Hon. John B. Rhode  
Circuit Court Judge  
Electronic Notice

Nathan Michael Jurowski  
Electronic Notice

Marilyn Baraniak  
Clerk of Circuit Court  
Langlade County Courthouse  
Electronic Notice

Michael Rodriguez Serrano  
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Langlade County District Attorney's Office  
Room 103  
800 Clermont Street  
Antigo, WI 54409

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

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2022AP1908-CRNM      State of Wisconsin v. Michael Rodriguez Serrano  
(L. C. No. 2019CM50)

Before Gill, J.<sup>1</sup>

**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).**

Michael Rodriguez Serrano appeals from a judgment convicting him of misdemeanor bail jumping. Attorney Nathan Jurowski has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32. Rodriguez Serrano was advised of his right to respond to the no-merit report, but he has not filed a response. Having independently reviewed the entire

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

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

The State charged Rodriguez Serrano with bail jumping for failing to comply with a sobriety condition of his release on bond. A trial was delayed by nearly three years for a variety of reasons, including COVID-related measures and two substitutions of counsel. However, Rodriguez Serrano did not file a speedy trial demand.

At a hearing scheduled for a joint plea agreement involving five other cases, Rodriguez Serrano informed the circuit court that he had decided not to accept the plea offer, and his third attorney moved to withdraw. After observing that Rodriguez Serrano's cases were among the oldest on the court's calendar, and further finding that Rodriguez Serrano had been engaging in "gamesmanship" and "some disingenuous effort to obstruct the administration of justice[.]" the court offered Rodriguez Serrano two options. First, Rodriguez Serrano could try one of the six cases on the previously scheduled trial date, with his third attorney remaining on as counsel (at least for that case). Second, if Rodriguez Serrano wanted additional time to hire another attorney for all of his cases, the court would modify his bond to a \$10,000 cash bond. Rodriguez Serrano chose to proceed to trial on this case on the previously scheduled date with his third attorney.

At trial, three police officers testified that, upon responding to a call for a disturbance at a tavern, they made contact with Rodriguez Serrano behind the tavern. Rodriguez Serrano had bloodshot and glassy eyes, was emitting an odor of intoxicants, and exhibited agitated behavior consistent with intoxication. Rodriguez Serrano admitted that he had been in the tavern for about an hour.

One of the officers contacted dispatch and learned that Rodriguez Serrano had been released on bond with conditions that he not consume alcohol or be in any establishment with a Class B liquor license. The police then arrested Rodriguez Serrano and administered a breath test, which registered a value of 0.12 grams of alcohol per 210 liters of air. The State also introduced copies of Rodriguez Serrano's signed bond agreement and the tavern's Class B liquor license.

During a break in the trial, Rodriguez Serrano moved for a mistrial on the grounds that a public notice board outside the courtroom listed six of Rodriguez Serrano's cases on its calendar. Rodriguez Serrano argued that he would be prejudiced if any jurors had seen the board and learned about other pending charges against him, and he asserted that he could not question the jurors about whether they had seen the board without bringing the issue to their attention. The State noted that the jurors had been questioned during voir dire as to whether they recognized Rodriguez Serrano's name, and none had indicated that they did. Given that no one was aware of any juror actually seeing the board or discussing it, the circuit court denied the motion for a mistrial.

Following a colloquy, Rodriguez Serrano chose not to testify. His trial counsel argued to the jury that the State had failed to prove that Rodriguez Serrano was aware of his bond conditions and thus the State failed to prove that Rodriguez Serrano knowingly violated them. After a discussion with the parties off the record, the circuit court instructed the jury that evidence of more than one act, any of which might constitute bail jumping, had been introduced and that the jury needed to be satisfied beyond a reasonable doubt that Rodriguez Serrano had committed the same act constituting the crime charged. The jury subsequently returned a guilty verdict.

The circuit court proceeded directly to sentencing after the verdict. After hearing from the parties, the court observed that the offense was “relatively minor,” that Rodriguez Serrano was attempting to find work in the community, and that he did not have any apparent rehabilitative needs. The court then imposed and stayed a thirty-day jail term with Huber privileges, subject to one year of probation.

The no-merit report discusses why Rodriguez Serrano has no arguable basis to challenge: (1) the circuit court’s conditioning of Rodriguez Serrano’s ability to discharge his third attorney upon the modification of his bond; (2) trial counsel’s effectiveness regarding a defense to the intent element of the charge; (3) the denial of the mistrial motion; or (4) the jury instructions. We agree with counsel’s description, analysis, and conclusion that none of these issues have arguable merit.

In addition to the issues discussed by counsel, we note that the evidence discussed above was sufficient to support the verdict and Rodriguez Serrano has no grounds to challenge either the legality of his sentence or the circuit court’s exercise of discretion in imposing it. 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 Nathan Jurowski is relieved of any further representation of Michael Rodriguez Serrano 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*