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**DISTRICT IV**

February 8, 2024

To:

Hon. Troy L. Nielsen  
Circuit Court Judge  
Electronic Notice

Yvette Kienert  
Clerk of Circuit Court  
Waupaca County Courthouse  
Electronic Notice

Andrew Hinkel  
Electronic Notice

Veronica Fay Isherwood  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Alex M. Kasper 698154  
Kettle Moraine Correctional Inst.  
P.O. Box 282  
Plymouth, WI 53073-0282

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

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2022AP688-CRNM      State of Wisconsin v. Alex M. Kasper (L.C. # 2020CF66)

Before Graham, Nashold, and Taylor, 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).**

Alex Kasper appeals a judgment of conviction for: (1) child enticement, (2) causing a child to view sexually explicit conduct, and (3) physical abuse of a child by conduct that created a high probability of great bodily harm. Attorney Cary Bloodworth has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2021-22).<sup>1</sup> Attorney Andrew Hinkel subsequently substituted as appointed counsel and has not withdrawn the no-

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version.

merit report. The no-merit report addresses whether there would be arguable merit to a challenge to Kasper's pleas or sentencing. Kasper was advised of his right to respond to the no-merit report, and he has filed a response. Having reviewed the no-merit report and response, as well as having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we agree that there are no issues of arguable merit. We summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged Kasper with six counts of first-degree child sexual assault. Pursuant to a plea agreement, Kasper pled guilty to amended charges of child enticement, causing a child to view sexually explicit conduct, and physical abuse of a child by conduct that created a high probability of great bodily harm. The remaining counts were dismissed and read in for sentencing purposes. The court imposed a total sentence of six years of initial confinement and six years of extended supervision, required Kasper to register as a sex offender for fifteen years, and awarded Kasper 312 days of sentence credit.

The no-merit report addresses whether there would be arguable merit to a challenge to the validity of Kasper's pleas. We agree with counsel's assessment that a challenge to Kasper's pleas would be wholly frivolous. A post-sentencing motion for plea withdrawal must establish that plea withdrawal is necessary to correct a manifest injustice, such as a plea that was not knowing, intelligent, and voluntary. *State v. Brown*, 2006 WI 100, ¶18, 293 Wis. 2d 594, 716 N.W.2d 906. Here, the circuit court conducted a plea colloquy that, together with the plea questionnaire that Kasper signed, satisfied the court's mandatory duties to personally address Kasper and determine information such as Kasper's understanding of the nature of the charges and the range of punishments he faced, the constitutional rights he waived by entering his pleas,

and the direct consequences of his pleas. See *State v. Hoppe*, 2009 WI 41, ¶¶18, 30, 317 Wis. 2d 161, 765 N.W.2d 794. There is no indication of any other basis for plea withdrawal. A valid guilty plea constitutes a waiver of all nonjurisdictional defects and defenses. *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

The no-merit report also addresses whether there would be arguable merit to a challenge to the circuit court's exercise of its sentencing discretion. Our review of a sentence determination begins "with the presumption that the trial court acted reasonably, and the defendant must show some unreasonable or unjustifiable basis in the record for the sentence complained of." *State v. Krueger*, 119 Wis. 2d 327, 336, 351 N.W.2d 738 (Ct. App. 1984). The record establishes that Kasper was afforded the opportunity to address the court prior to sentencing. The court explained that it considered facts pertinent to the standard sentencing factors and objectives, including the seriousness of the offenses, Kasper's rehabilitative needs, and the need to protect the public. See *State v. Gallion*, 2004 WI 42, ¶¶39-46 & n.11, 270 Wis. 2d 535, 678 N.W.2d 197. We discern no non-frivolous basis to challenge the court's exercise of its sentencing discretion.

Kasper has filed a no-merit response asserting that he did not have a High School Equivalency Degree (HSED) at the time of sentencing. However, that information was before the circuit court at the time of sentencing, and there would be no arguable merit to a challenge to the court's sentencing decision on that basis. Additionally, the court ascertained Kasper's education level and ability to understand the proceedings during the plea colloquy, including that

Kasper did not have his HSED at that time, and we discern no arguable merit to a claim for plea withdrawal on that basis.<sup>2</sup>

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*.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Andrew Hinkel is relieved of any further representation of Alex Kasper 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*

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<sup>2</sup> The no-merit report incorrectly states that the circuit court established at the plea hearing that Kasper had obtained his HSED.