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DISTRICT II

May 1, 2024

To:

Hon. John A. Jorgensen
Circuit Court Judge
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Tara Berry
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

Antonio B. Gonzales, #498042
Columbia Corr. Inst.
PO Box 900
Portage, WI 53901-0900

Leo Draws
Electronic Notice

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

2023AP2074-CRNM State of Wisconsin v. Antonio B. Gonzales (L.C. #2022CF30)

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).

Attorney Leo Draws, as appointed counsel for Antonio B. Gonzales, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Gonzales with a copy of the report, and both counsel and this court advised him of his right to file a response. Gonzales has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our

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

independent review of the Record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

According to the complaint, while Gonzales was a patient at the Winnebago Mental Health Institution, he rushed up to a nurse, grabbed her left arm and hand, twisted them, and broke her finger in two places. The complaint additionally alleged that Gonzales had a prior felony conviction. The State charged him with one count of battery to a nurse as a repeater.

During the course of the proceedings, Gonzales entered a plea of not guilty by reason of mental disease or defect (NGI). The circuit court ordered an NGI evaluation, and the resulting report did not support the plea.

Gonzales then withdrew his NGI plea and pled no-contest. The circuit court accepted his plea and imposed a sentence of three years of initial confinement and three years of extended supervision.

The no-merit report addresses whether Gonzales's plea was entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Gonzales was waiving, and other matters. The Record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report addresses Gonzales's sentence. The sentence is within the legal maximum. As to discretionary issues, the standards for the circuit court and this court are well established and need not be repeated here. See *State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not

consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Our review of the Record discloses no other potential issues for appeal.

Therefore,

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 Leo Draws is relieved of further representation of Antonio B. Gonzales in this matter. *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