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DISTRICT II

June 12, 2024

To:

Hon. William J. Domina
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Angela Conrad Kachelski
Electronic Notice

Molly Marie Schmidt
Electronic Notice

Miguel A. Robles Jr., #325914
Waupun Correctional Inst.
P.O. Box 351
Waupun, WI 53963-0351

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

2023AP2061-CRNM	State of Wisconsin v. Miguel A. Robles, Jr. (L.C. #2020CM657)
2023AP2062-CRNM	State of Wisconsin v. Miguel A. Robles, Jr. (L.C. #2021CF1167)

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).

Miguel A. Robles, Jr. appeals from judgments in two cases convicting him of domestic abuse—infliction of physical pain or injury, bail jumping, and disorderly conduct. His appellate counsel 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 Robles with a copy of the report, and both counsel and this court advised him of his right to file a response. Robles has not responded.

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

After reviewing the Record and counsel's report, we conclude there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Robles was convicted following his guilty pleas to domestic abuse, bail jumping, and disorderly conduct. As part of a plea agreement with the State, additional charges were either dismissed and read in, or dismissed outright. The charges stemmed from separate incidents in which Robles became physically and verbally abusive with two of his domestic partners.

For Robles' conduct, the circuit court imposed the following sentence: nine months in jail for the domestic abuse charge; ninety days in jail for disorderly conduct; and three years of initial confinement followed by three years of extended supervision for bail jumping. The court ordered the three sentences to run concurrent to each other. This no-merit appeal follows.

The no-merit report addresses: (1) whether Robles' pleas were entered knowingly, voluntarily, and intelligently; and (2) whether the circuit court properly exercised its discretion at sentencing.

First, we see no arguable basis for plea withdrawal. In order to withdraw a plea after sentencing, a defendant must either show that the plea colloquy was defective in a manner that resulted in the defendant actually entering an unknowing plea, or demonstrate some other manifest injustice such as coercion, the lack of a factual basis to support the charge, ineffective assistance of counsel, or failure by the prosecutor to fulfill the plea agreement. *State v. Bangert*, 131 Wis. 2d 246, 272-276, 389 N.W.2d 12 (1986); *State v. Krieger*, 163 Wis. 2d 241, 249-51 & n.6, 471 N.W.2d 599 (Ct. App. 1991). There is no indication of any such defects here.

Pursuant to a plea agreement, Robles entered guilty pleas to three of the nine charges against him. The circuit court conducted a standard plea colloquy, inquiring into Robles' ability to understand the proceedings and the voluntariness of his plea decision, and further exploring his understanding of the nature of the charges, the penalty ranges and other direct consequences of the pleas, and the constitutional rights being waived. *See State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794; *Bangert*, 131 Wis. 2d at 266-72.

Robles' counsel accepted the criminal complaints as factual bases for the plea. Robles indicated that he reviewed the complaints, and he admitted that the facts set forth in both were substantially true and correct. Robles indicated satisfaction with his attorney's representation. Nothing in our independent review of the Record would support a claim that trial counsel rendered ineffective assistance, or give rise to a manifest injustice.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing sentence, the court considered the seriousness of the offenses, Robles' character, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶40-44, 270 Wis. 2d 535, 678 N.W.2d 197. Robles also had the opportunity to address the court directly, and did so prior to the court's imposition of sentence.

Upon our independent review of the Record, we have found no other arguable basis for reversing the judgments 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. Therefore,

IT IS ORDERED that the judgments of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Angela Conrad Kachelski is relieved from further representing Miguel A. Robles, Jr. in these appeals. *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