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110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
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**DISTRICT II**

July 24, 2024

To:

Hon. Eugene A. Gasiorkiewicz  
Circuit Court Judge  
Electronic Notice

Amy Vanderhoef  
Clerk of Circuit Court  
Racine County Courthouse  
Electronic Notice

Tristan Breedlove  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Latoya L. Monette #718195  
Milwaukee Women's Corr. Center  
615 W. Keefe Ave.  
Milwaukee, WI 53212

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

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2023AP2386-CRNM      State of Wisconsin v. Latoya L. Monette (L.C. #2021CF372)

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).**

Latoya L. Monette appeals from a judgment of conviction entered after her no-contest pleas to four criminal charges against her. Her appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967).<sup>2</sup> Monette was sent a copy of the report and both counsel and this court advised her of her right to file a

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

<sup>2</sup> Monette was initially represented by Attorney Susan Alesia in this appeal. Attorney Tristan Breedlove was appointed to represent Monette after Attorney Alesia withdrew from representation.

response—she 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.

Monette was charged with three counts of manufacture/delivery of heroin, three grams or less; three counts of maintaining a drug trafficking place; four counts of misdemeanor bail jumping; and one count of manufacture/delivery of schedule I, II or III non-narcotics. The charges against Monette were the result of an ongoing investigation by two different law enforcement agencies and were brought after she sold heroin to two separate confidential informants. Monette also sold suboxone to one of the confidential informants. Pursuant to a plea agreement, Monette entered a plea of no contest to four of the charges.<sup>3</sup> Seven counts were dismissed and read in.

Based upon her pleas, Monette was found guilty. She faced an aggregate maximum sentence of twenty-two years of imprisonment, nine months in jail, and fines totaling \$55,000. On three of the counts, the circuit court sentenced Monette to serve a total of three years of initial confinement and four years of extended supervision, with three months of jail time to run concurrent to the prison sentence. The court found Monette eligible for the Substance Abuse Program during her imprisonment. The court also sentenced Monette to three years of probation for her conviction for selling suboxone, but imposed and stayed an additional two years of initial confinement and two years of extended supervision in the event her probation is revoked.

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<sup>3</sup> Monette entered a no-contest plea to one count each of manufacturing or delivering heroin, maintaining a drug trafficking place, manufacture of delivery of non-narcotics (suboxone), and misdemeanor bail jumping.

The no-merit report addresses in detail whether there would be arguable merit to a challenge to Monette's pleas. Monette submitted a signed plea questionnaire and waiver of rights with the jury instructions for each of the four offenses attached. She told the circuit court she had discussed the plea questionnaire and the attachments with her attorney, she fully understood the documents, and she was satisfied with her attorney's representation. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 N.W.2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charges and maximum penalties, the rights Monette was waiving, and other matters. Monette acknowledged that the amended criminal complaint provided a factual basis for her pleas after the court paused the plea hearing to allow Monette to discuss that issue further with her attorney. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report also addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues 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.

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. Accordingly, this court accepts the no-merit report and discharges appellate counsel of the obligation to represent Monette further in this appeal.

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 Attorney Tristan Breedlove is relieved from further representing Monette in this appeal. *See* 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*