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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**

September 25, 2024

To:

Hon. Frederick J. Strampe  
Circuit Court Judge  
Electronic Notice

Monica Paz  
Clerk of Circuit Court  
Waukesha County Courthouse  
Electronic Notice

Kirk D. Henley  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Eduardo Martinez #152543  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

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2023AP1181-CRNM      State of Wisconsin v. Eduardo Martinez (L.C. #2022CF606)

Before Gundrum, P.J., 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).**

Eduardo Martinez appeals a judgment of conviction for tampering with a global positioning system (GPS) tracking device. His appointed appellate counsel has 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). Martinez was advised of his right to respond but has not made any such filing. Upon consideration of the no-merit, and following our independent review of the record as mandated

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

by *Anders*, we conclude there is no issue of arguable merit that could be raised on appeal. We therefore summarily affirm the judgment. *See* WIS. STAT. RULE 809.21(1).

Martinez—who was on extended supervision for a prior first-degree sexual assault of a child conviction—was charged with disorderly conduct, obstructing an officer, and tampering with a GPS device after he created a disturbance in the office of his probation officer and removed his GPS monitor. He pled guilty to the tampering charge pursuant to a plea agreement and immediately proceeded to sentencing, wherein the State recommended the agreed-upon unspecified incarceration time consecutive to any other sentence. The remaining charges were dismissed and read in. The circuit court imposed a consecutive one-year term of initial confinement and a two-year term of extended supervision.

The no-merit report concludes there is no arguable merit to any challenge based on the sufficiency of the plea colloquy; the circuit court’s exercise of its sentencing discretion; the constitutional adequacy of his representation during the sentencing proceedings; and whether Martinez’s diabetes diagnosis would support a motion for sentence modification. Our review of the appellate record satisfies us that the no-merit report sufficiently analyzes these issues and properly concludes that any challenge based upon them would lack arguable merit. Our independent review of the appellate record under *Anders* discloses no further issues of arguable merit.

Therefore,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that Attorney Kirk D. Henley is relieved of responsibility for further representing Eduardo Martinez in connection with 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*