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WISCONSIN COURT OF APPEALS

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
Web Site: www.wicourts.gov

DISTRICT I

August 27, 2013

To:

Hon. Rebecca F. Dallet
Circuit Court Judge
Branch 40
821 W State St
Milwaukee, WI 53233

John Barrett
Clerk of Circuit Court
Room 114
821 W. State Street
Milwaukee, WI 53233

Karen A. Loebel
Asst. District Attorney
821 W. State St.
Milwaukee, WI 53233

Randall E. Paulson
Asst. State Public Defender
735 N. Water St., #912
Milwaukee, WI 53202-4116

Gregory M. Weber
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Antonio Sanchez 557206
New Lisbon Corr. Inst.
P.O. Box 4000
New Lisbon, WI 53950-4000

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

2013AP605-CRNM State of Wisconsin v. Antonio Sanchez (L.C. #2009CF4047)

Before Curley, P.J., Fine and Brennan, JJ.

Antonio Sanchez appeals a judgment convicting him of second-degree sexual assault of a child. Attorney Randall E. Paulson filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2011-12),¹ and *Anders v. California*, 386 U.S. 738, 744 (1967). Sanchez was advised of his right to file a response, but he has not done so. After considering the no-merit report and conducting an independent review of the record, we

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

conclude that there are no issues of arguable merit that Sanchez could raise on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The no-merit report first addresses whether Sanchez's guilty plea was made voluntarily, knowingly, and intelligently. The plea colloquy complied in all respects with the requirements of WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). The circuit court addressed whether Sanchez understood the elements of the charge against him, the potential maximum penalties he faced and the constitutional rights he would be waiving by entering a plea, which were listed on a plea questionnaire and waiver-of-rights form. The plea agreement was stated on the record and the circuit court ascertained that Sanchez understood the agreement. The circuit court informed Sanchez that he could be deported after conviction if he was not a U.S. citizen and asked Sanchez whether he had reviewed and understood the plea questionnaire and waiver-of-rights form. *See State v. Hampton*, 2004 WI 107, ¶38, 274 Wis. 2d 379, 683 N.W.2d 14. Sanchez admitted the facts in the complaint, which provided a factual basis for the charge. All of the proceedings were translated into Spanish for Sanchez, including the plea questionnaire and waiver-of-rights form. In light of these circumstances, there would be no arguable merit to an appellate argument that the plea was not knowingly, intelligently, and voluntarily entered.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court misused its discretion when it sentenced Sanchez to twenty-eight years of imprisonment, with eighteen years of initial confinement and ten years of extended supervision. The circuit court considered the offense to be aggravated because the child victim trusted and relied on Sanchez to take care of her, but instead he sexually assaulted her and then forcibly coerced her to keep the assault and resulting pregnancy secret, putting his needs above the

victim's need for medical care and support from her family. The circuit court explained its application of the various sentencing considerations in accordance with the framework set forth in *State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. Therefore, there would be no arguable merit to a challenge to the sentence on appeal.

Our independent review of the record reveals no arguable basis for reversing the judgment of conviction and order denying postconviction relief. Therefore, we affirm the judgment and order, and relieve Attorney Randall E. Paulson of further representation of Sanchez.

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 Randall E. Paulson is relieved of any further representation of Sanchez in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals