



OFFICE OF THE CLERK
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 III/II

October 29, 2014

To:

Hon. Timothy A. Hinkfuss
Circuit Court Judge
Brown County Courthouse
P.O. Box 23600
Green Bay, WI 54305-3600

Michele Conard
Clerk of Circuit Court
Brown County Courthouse
P.O. Box 23600
Green Bay, WI 54305-3600

Leonard D. Kachinsky
Sisson & Kachinsky Law Offices
103 W. College Ave. #1010
Appleton, WI 54911-5782

David L. Lasee
District Attorney
P.O. Box 23600
Green Bay, WI 54305-3600

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

Christopher J. Jamroz 474346
Oshkosh Corr. Inst.
P.O. Box 3310
Oshkosh, WI 54903-3310

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

2014AP878-CRNM	State of Wisconsin v. Christopher J. Jamroz (L.C. # 2012CF1265)
2014AP879-CRNM	State of Wisconsin v. Christopher J. Jamroz (L.C. # 2012CF1301)

Before Brown, C.J., Neubauer, P.J., and Gundrum, J.

In these consolidated cases, Christopher J. Jamroz appeals from judgments convicting him of one count of fourth-degree sexual assault and four counts of possession of child pornography. Jamroz's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12),¹ and *Anders v. California*, 386 U.S. 738 (1967). Jamroz filed a response. After reviewing the record, counsel's report, and Jamroz's response, we conclude that there are

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

no issues with arguable merit for appeal. Therefore, we summarily affirm the judgments. WIS. STAT. RULE 809.21.

The no-merit report addresses the following appellate issues: (1) whether Jamroz’s no contest pleas were knowingly, intelligently, and voluntarily entered; (2) whether the circuit court properly exercised its discretion at sentencing; and (3) whether Jamroz would have a basis to withdraw his pleas because of manifest injustice.

With respect to the entry of Jamroz’s no contest pleas, the record shows that the circuit court engaged in a colloquy with Jamroz that satisfied the applicable requirements of WIS. STAT. § 971.08(1)(a), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.² In addition, signed plea questionnaire and waiver of rights forms were entered into the record. We agree with counsel that any challenge to the entry of Jamroz’s no contest pleas would lack arguable merit.

With respect to the sentence imposed, the record reveals that the circuit court’s decision had a “rational and explainable basis.” *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). In imposing an aggregate sentence of eight years of imprisonment, the court considered the seriousness of the offenses, Jamroz’s character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, which were aggravated by Jamroz’s lengthy criminal record, the sentence does not “shock public sentiment and violate the judgment of reasonable

² There is one exception to this. The circuit court did not explain the range of punishments to which Jamroz was subjecting himself by entering his pleas. This omission does not present a meritorious issue for appeal, however, as the maximum penalties were set forth in the signed plea questionnaire and waiver of rights forms. The circuit court referenced those forms during its colloquy.

people concerning what is right and proper.” *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Accordingly, we agree with counsel that a challenge to the circuit court’s decision at sentencing would lack arguable merit.

Finally, with respect to the issue of plea withdrawal, the no-merit report explains that Jamroz would not have a basis to withdraw his pleas because of manifest injustice. *See State v. Smith*, 202 Wis. 2d 21, 25, 549 N.W.2d 232 (1996) (“Withdrawal of a plea following sentencing is not allowed unless it is necessary to correct a manifest injustice.”) We are satisfied that the no-merit report properly analyzes this issue as without merit, and we will not discuss it further.

As noted, Jamroz filed a response to counsel’s no-merit report. In it, he complains that his trial counsel led him to believe that he was required to enter dispositive pleas in both cases or take both cases to trial. The problem with this argument is that it is directly contradicted by the record. During the plea colloquy, the circuit court noted that it was accepting pleas in two different cases. It then observed, “If you wanted to have a trial on one of the file[s] but not the other file, you can do that. Do you understand that?” Jamroz replied, “Yes, sir.” In light of the foregoing, we are satisfied that Jamroz’s response does not present an issue of arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Len Kachinsky of further representation in these matters.

Upon the foregoing reasons,

IT IS ORDERED that the judgments of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Len Kachinsky is relieved of further representation of Jamroz in these matters.

Diane M. Fremgen
Clerk of Court of Appeals