



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

June 13, 2016

To:

Hon. George L Glonek
Circuit Court Judge
Douglas County Courthouse
1313 Belknap Street
Superior, WI 54880

Michele Wick
Clerk of Circuit Court
Douglas County Courthouse
1313 Belknap Street, Ste. 309
Superior, WI 54880

Daniel W. Blank
Douglas County District Atty.
1313 Belknap St., Rm. 202
Superior, WI 54880-2769

Tristan Breedlove
Assistant State Public Defender
P.O. Box 7862
Madison, WI 53707

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

Charles David Sislo
P.O. Box 1078
Superior, WI 54880-1078

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

2015AP1590-CRNM State of Wisconsin v. Charles David Sislo (L.C. # 2013CF377)

Before Stark, P.J.¹

Upon this court's independent review of the record, we cannot conclude that there is no arguable merit to any issue that could be raised by postconviction motion. The appellant's conviction for pandering under WIS. STAT. § 944.33(1)(a) (2011-12) appears to lack an adequate factual basis. According to the complaint, the appellant paid a prostitute for sex with himself. Under the statute, pandering involves solicitation of "another" to have sexual relations with a

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

prostitute. An essential element of the charge is that the accused solicited the customer. *Shillcutt v. State*, 74 Wis. 2d 642, 645, 247 N.W.2d 694 (1976). Because the complaint served as the factual basis for the plea and the record contains no evidence or allegation that Sislo solicited a third party to have sexual relations with a prostitute, there is no factual basis for the plea.

In addition, the record does not establish sufficient explanation of the elements of the offense. The Plea Questionnaire/Waiver of Rights form has the box checked “See Attached Sheet.” There is no attachment. During the plea colloquy, the court’s description of the elements does not conform with the statute because the court stated an element as, “you knew the solicitor to be a prostitute.”

It may not be in Sislo’s best interest to void the plea agreement and move to withdraw his plea. Nonetheless, because we cannot conclude that a motion to withdraw the plea would lack arguable merit, we cannot accept the no-merit report. Even if Sislo decides not to file a motion to withdraw the plea, this appeal must be dismissed because there is no such thing as a partial no-merit.

IT IS ORDERED that the no-merit report is rejected.

IT IS FURTHER ORDERED that this appeal is dismissed without prejudice.

IT IS FURTHER ORDERED that the time for filing a postconviction motion is extended to sixty days from the date of this order.

Diane M. Fremgen
Clerk of Court of Appeals