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DISTRICT III

June 19, 2018

To:

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

2017AP1107-CRNM State of Wisconsin v. Omar I. Luera
2017AP1108-CRNM (L. C. Nos. 2015CF41, 2015CF57)

Before Stark, P.J., Hruz and Seidl, 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).

Counsel for Omar Luera has filed a no-merit report concluding no grounds exist to challenge Luera's convictions for second-degree sexual assault of a child under the age of

sixteen and exposing a child to harmful material, contrary to WIS. STAT. §§ 948.02(2) and 948.11(2)(a) (2015-16)¹, respectively. Luera was informed of his right to file a response to the no-merit report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgments of conviction. See WIS. STAT. RULE 809.21.

In Langlade County Circuit Court case No. 2015CF41, the State charged Luera with two counts of using a computer to facilitate a child sex crime and one count of second-degree sexual assault of a child under sixteen years of age. In Langlade County Circuit Court case No. 2015CF57, the State charged Luera with two counts of exposing that same child to harmful material. The charges arose from allegations that Luera, who lived in California, solicited a relationship online with a then-fifteen-year-old child; engaged in sexually explicit conversations with the child; and sent the child photographs of his genitalia. Luera then traveled to Wisconsin to meet the child and engaged in sexual intercourse with her. At the outset of the criminal proceedings, the circuit court granted defense counsel's request for a competency examination and, following an examination, Luera was found competent to proceed.

In exchange for Luera's no-contest pleas to second-degree sexual assault of a child and one count of exposing a child to harmful material, the State agreed to dismiss and read in the remaining charges. Both sides remained free to argue at sentencing. Out of a maximum possible

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

forty-three-and-one-half-year sentence, the circuit court imposed concurrent sentences resulting in a total of ten years' initial confinement and ten years' extended supervision.

The no-merit report addresses whether the record supports the circuit court's competency determination; whether Luera knowingly, intelligently and voluntarily entered his no-contest pleas; whether the circuit court properly exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Luera's trial counsel. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that there is no arguable merit to these issues. Our independent review of the record discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgments are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Erica L. Bauer is relieved of her obligation to further represent Luera in these matters. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals