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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**

August 1, 2018

To:

Hon. Bruce E. Schroeder  
Circuit Court Judge  
Kenosha County Courthouse  
912 56th St.  
Kenosha, WI 53140

Rebecca Matoska-Mentink  
Clerk of Circuit Court  
Kenosha County Courthouse  
912 56th St.  
Kenosha, WI 53140

Michael D. Graveley  
District Attorney  
912 56th St.  
Kenosha, WI 53140-3747

Angela Conrad Kachelski  
Kachelski Law Office  
7101 N. Green Bay Ave., Ste. 6A  
Milwaukee, WI 53209

Criminal Appeals Unit  
Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857

Michael J. Gordon, #324196  
Stanley Corr. Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

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2017AP2438-CRNM      State of Wisconsin v. Michael J. Gordon (L.C. #2016CF572)

Before Neubauer, C.J., Gundrum and Hagedorn, 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).**

Michael J. Gordon appeals a judgment convicting him of two counts of manufacture/deliver cocaine ( $\leq 1$  gram), five counts of manufacture/deliver cocaine ( $> 1$  gram,  $\leq 5$  grams), and one count of possession with intent to deliver cocaine ( $\geq 40$  grams). Six of the counts were charged with the on-or-near-a-park/school penalty enhancer. He also was convicted of one count each of possession with intent to deliver cocaine, possession of a firearm

by a felon, and failure to update sex offender information. Gordon's appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2015-16)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Gordon was advised of his right to file a response but has not done so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

A City of Kenosha detective arranged seven controlled buys of cocaine from Gordon using the same confidential informant. Four of the controlled buys took place at Gordon's home which is within 1000 feet of a city park; one took place within 1000 feet of an elementary school. The remaining charges came after the execution of a search warrant of Gordon's home, where police discovered almost forty-nine grams of cocaine and a handgun with two magazines. Gordon also had not kept updated sex offender registry information required since a 2000 conviction for third-degree sexual assault.

Gordon entered a guilty plea to three counts of manufacture/delivery of cocaine and to the possession of a firearm by a felon and failure to update sex offender information counts. The remaining counts were dismissed and read in. He was sentenced to a total of ten years' initial confinement and ten years' extended supervision for one count of manufacture/delivery of cocaine (<= 1 gram) and the felon in possession of a firearm count. On the remaining three counts, he was sentenced to a withheld sentence and five years' probation, the probation concurrent with each other but consecutive to the sentences imposed for the other two counts.

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

The no-merit report addresses the potential issues of whether Gordon's guilty pleas were freely, voluntarily, and knowingly entered and whether the sentence was unduly harsh or otherwise the result of an erroneous exercise of discretion. Our review of the record satisfies us that the no-merit report properly analyzes these issues as without arguable merit. Accordingly, we need discuss them no further.

Our review of the record discloses no other potential issues for appeal. Gordon's guilty plea waived the right to raise nonjurisdictional defects and defenses arising from proceedings before entry of the plea, including claimed violations of constitutional rights. *State v. Kraemer*, 156 Wis. 2d 761, 765, 457 N.W.2d 562 (Ct. App. 1990). Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Gordon further in this appeal.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Angela Kachelski is relieved from further representing Michael J. Gordon in 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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*Sheila T. Reiff*  
*Clerk of Court of Appeals*