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DISTRICT I

October 10, 2019

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

2018AP2095-CRNM State of Wisconsin v. Luis Angel Rivera (L.C. # 2016CF4222)

Before Brash, P.J., Kessler and Dugan, 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).

Luis Angel Rivera appeals a judgment convicting him of one count of first-degree sexual assault of a child under the age of thirteen. Attorney Angela Kachelski was appointed to represent Rivera on appeal. She filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738 (1967). Rivera received a copy of the report

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

and was advised of his right to file a response, but he has not responded. After considering the report and conducting an independent review of the record, we conclude that there are no issues of arguable merit that could be raised on appeal. *See* WIS. STAT. RULE 809.21. Therefore, we affirm.

The no-merit report first addresses whether there are any issues for appeal based on the proceedings prior to Rivera's guilty plea. The report reviews the pretrial hearings that occurred and concludes that there is no issue of arguable merit. Our independent review of the record reveals no potential issues. Therefore, we conclude that there would be no arguable merit to any appellate claim based on the proceedings before Rivera entered his guilty plea.

The no-merit report next addresses whether there would be arguable merit to a claim that Rivera's plea was not knowingly, intelligently, and voluntarily entered. The circuit court conducted a very thorough colloquy with Rivera that complied with WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). In addition, Rivera reviewed a plea questionnaire and waiver of rights form with his counsel and signed it. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (the court may rely on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about the rights he or she is waiving). Therefore, there would be no arguable merit to an appellate challenge to the plea.

The no-merit report next addresses whether there would be arguable merit to an appellate challenge of the circuit court's sentencing decision. The circuit court sentenced Rivera to thirty years of imprisonment, with twenty years of initial incarceration and ten years of extended supervision, to be served consecutively to any other sentence Rivera was already serving. The

circuit court considered appropriate factors in deciding the length of sentence to impose and explained its decision 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 an appellate challenge to the sentence.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the conviction, and discharge appellate counsel of the obligation to represent Rivera 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 Luis Angel Rivera in this appeal. *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