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DISTRICT II

February 12, 2020

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

2018AP1686-CRNM	State of Wisconsin v. Jose F. Veliz (L.C. #2016CF294)
2018AP1687-CRNM	State of Wisconsin v. Jose F. Veliz (L.C. #2016CF304)

Before Neubauer, C.J., Reilly, P.J., and Davis, J.

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).

In these consolidated appeals,¹ Jose Veliz appeals from judgments convicting him of substantial battery (domestic abuse) as a repeat offender contrary to WIS. STAT. § 940.19(2)

¹ On our own motion, we consolidate these appeals for disposition. WIS. STAT. RULE 809.10(3) (2017-18).

(2015-16) and second-degree sexual assault of a child contrary to WIS. STAT. § 948.02(2) (2015-16). Veliz’s appellate counsel filed no-merit reports pursuant to WIS. STAT. RULE 809.32 (2017-18)² and *Anders v. California*, 386 U.S. 738 (1967). Veliz received a copy of the reports and has not filed a response. Upon consideration of the no-merit reports and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments because there are no issues that would have arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

The circuit court sentenced Veliz to consecutive terms of five years for substantial battery (three years of initial confinement and two years of extended supervision) and forty years for second-degree sexual assault of a child (twenty-five years of initial confinement and fifteen years of extended supervision). Veliz received sentence credit.

The no-merit report addresses the following possible appellate issues: (1) whether Veliz’s guilty pleas were knowingly, voluntarily, and intelligently entered and (2) whether the circuit court misused its sentencing discretion. After reviewing the record, we conclude that counsel’s no-merit reports properly analyze these issues and correctly determine that these issues lack arguable merit.

The plea colloquy complied with *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794. The colloquy was thorough and informed Veliz of each of the constitutional rights waived by his plea. “[A] guilty plea waives all nonjurisdictional defects and defenses.” *State v. Popp*, 2014 WI App 100, ¶13, 357 Wis. 2d 696, 855 N.W.2d 471 (citation omitted). The circuit

² All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

court gave the proper advisements relating to the counts being dismissed and read in. *See State v. Straszkowski*, 2008 WI 65, ¶5, 310 Wis. 2d 259, 750 N.W.2d 835. Although Veliz did not explicitly state that he was pleading guilty, the only possible inference from the record is that Veliz intended to plead guilty. *See State v. Burns*, 226 Wis. 2d 762, 774, 594 N.W.2d 799 (1999). There would be no arguable merit to a challenge to the entry of the guilty pleas.

The circuit court also engaged in a proper exercise of sentencing discretion after considering various sentencing factors. *See State v. Gallion*, 2004 WI 42, ¶76-77, 270 Wis. 2d 535, 678 N.W.2d 197 (we review the sentence for a misuse of discretion); *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (discussing sentencing factors). In the battery case, Veliz was properly sentenced as a repeat offender pursuant to WIS. STAT. §§ 939.62 and 973.12(1).

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any arguably 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 reports, affirm the judgments of conviction and relieve Attorney Ralph Sczygelski of further representation of Veliz in these matters.

Upon the foregoing reasons,

IT IS ORDERED that these appeals are consolidated for disposition.

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

IT IS FURTHER ORDERED that Attorney Ralph Sczygelski is relieved of further representation of Jose Veliz in these matters.

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

Sheila T. Reiff
Clerk of Court of Appeals