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DISTRICT III

April 28, 2020

To:

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

2018AP1773-CRNM State of Wisconsin v. Boua Yang (L. C. No. 2016CF555)

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).

Boua Yang appeals from a judgment convicting her, based upon no-contest pleas, of nine felony drug charges. Attorney Roberta Heckes has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2017-18);¹ *Anders v. California*, 386 U.S. 738,

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

744 (1967). The no-merit report sets forth the procedural history of the case and addresses Yang's pleas, sentences and her trial counsel's performance. Yang was advised of the right to respond to the report, but she has not done so. Upon having independently reviewed the entire record, as well as the no-merit report, we conclude that counsel may be allowed to withdraw and the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

The charges in this case arose from a months-long investigation of a drug trafficking organization known as "Magnetic Meth" that was distributing methamphetamine and marijuana in Brown County. Through a combination of information from confidential informants, controlled drug buys, surveillance, wiretaps and search warrants, the Brown County Drug Task Force obtained substantial evidence that Yang—who was an aunt of Magnetic Meth's kingpin—was highly involved as an upper-level distributor in the organization's drug trafficking operation. The evidence was set forth in great detail in a sealed, twenty-six-page probable cause portion of the complaint.

Yang eventually entered no-contest pleas to one Class C felony count of conspiracy to deliver methamphetamine (>50g); one Class E felony count of conspiracy to deliver THC (>10,000g); two Class D felony counts of solicitation of delivery of methamphetamine (10-50g); three Class H felony counts of solicitation of delivery of methamphetamine (>3-10g); and two Class I felony counts of solicitation of delivery of THC (<=200g). In exchange, the State moved to dismiss three other felony charges and agreed to request a presentence investigation report (PSI), with both sides free to argue at sentencing.

The circuit court conducted a plea colloquy using a plea questionnaire signed by Yang to ascertain that Yang understood the nature of the charges and the constitutional rights she would

be waiving. After further verifying that the facts in the complaint supported the charges, the court accepted the pleas and ordered a PSI.

At a subsequent sentencing hearing, the circuit court heard from the parties and two additional witnesses who discussed the investigation into Magnetic Meth and the impact the organization's drug trafficking had on specific individuals. The court discussed appropriate sentencing factors including the seriousness of the offenses; Yang's history, character and rehabilitative needs; and the goals of punishment, deterrence, and protection of the public.

The circuit court then sentenced Yang to ten years' initial confinement and ten years' extended supervision on the count of conspiracy to deliver methamphetamine; three years' initial confinement and nine years' extended supervision on the count of conspiracy to deliver THC; two years' initial confinement and two years' extended supervision on each of the Class D counts of solicitation of delivery of methamphetamine; eighteen months of initial confinement and eighteen months of extended supervision on each of the Class H counts of solicitation of delivery of methamphetamine; and one year of initial confinement and one year of extended supervision on each of the counts of solicitation of delivery of THC. All of the sentences on the methamphetamine counts were concurrent to each other, while the sentences on the THC counts were concurrent to each other but consecutive to the methamphetamine sentences. This resulted in a global sentence of thirteen years of initial confinement and nineteen years of extended supervision.

We agree with counsel's analysis and conclusion that any challenge to the pleas and sentences would lack arguable merit. Our independent review of the record discloses no other potential issues for appeal. Additionally, there is no factual basis to consider any issues outside

of the record given Yang's lack of response to the no-merit report and counsel's representation that her investigation revealed no such grounds for relief. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Roberta Heckes is relieved of further representing Boua Yang in this matter. *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