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DISTRICT I

Amended June 1, 2020
May 19, 2020

To:

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

2018AP2286-CRNM State of Wisconsin v. Jose A. Alvarez (L.C. # 2017CF2123)

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

Jose A. Alvarez appeals a judgment convicting him of two counts of possession of a firearm by a felon, as a repeater. Attorney Kaitlin A. Lamb, appointed appellate counsel for Alvarez, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v.*

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

California, 386 U.S. 738 (1967). The no-merit report discusses Alvarez's plea and sentence. Counsel provided Alvarez with a copy of the report, and both counsel and this court advised him of his right to file a response. Alvarez has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our independent review of the record, as mandated by *Anders*, we conclude that there is no arguable merit to any issue that could be raised on appeal.

The circuit court conducted a plea colloquy that conformed to the strictures of WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986), when read in conjunction with Alvarez's signed plea questionnaire and waiver of rights form. 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 by entering a plea). There would be no arguable merit to an appellate challenge to the plea.

The no-merit report also addresses whether the court erroneously exercised its sentencing discretion when it imposed a total of seven years of initial confinement and five years of extended supervision. The standards for the circuit court and this court on sentencing issues are well-established and need not be repeated here. See *State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. The record establishes that the circuit court carefully considered and applied the appropriate sentencing factors, did not consider improper factors, and reached a reasonable result. Any claim that the circuit court erroneously exercised its sentencing discretion would be without arguable merit.

Our review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Lamb is relieved of further representation of Alvarez 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