



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

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  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT III**

June 9, 2020

To:

Hon. Lamont K. Jacobson  
Circuit Court Judge  
Marathon County Courthouse  
500 Forest St.  
Wausau, WI 54403

Shirley Lang  
Clerk of Circuit Court  
Marathon County Courthouse  
500 Forest St.  
Wausau, WI 54403

Melissa M. Petersen  
Petersen Law Firm, LLC  
P.O. Box 480  
Ellsworth, WI 54011

Theresa Wetzsteon  
District Attorney  
500 Forest Street  
Wausau, WI 54403-5554

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

Kelly J. Juedes 646053  
Racine Youthful Offender Corr. Facility  
P.O. Box 2500  
Racine, WI 53404-2500

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

---

2019AP282-CRNM      State of Wisconsin v. Kelly J. Juedes (L. C. No. 2016CF1390)

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).**

Counsel for Kelly Juedes has filed a no-merit report concluding no grounds exist to challenge Juedes's conviction for second-degree sexual assault of a child, as a repeater. Juedes was informed of his right to file a response to the no-merit report and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967),

we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup>

The State charged Juedes with second-degree sexual assault of a child, exposing genitals to a child, and four counts of misdemeanor bail jumping—all six counts as a repeat offender. Pursuant to a global plea agreement, Juedes pleaded guilty to second-degree sexual assault of a child, as a repeater, in this case, and two offenses arising from Marathon County case No. 2016CM2495. Juedes subsequently filed a presentence motion to discharge his attorney and withdraw his pleas. The circuit court granted the motion to discharge counsel, and a new attorney was appointed by the State Public Defender. After a hearing on the motion for plea withdrawal, the court granted the motion.

Juedes and the State subsequently entered into another global plea agreement. In exchange for Juedes's no-contest pleas to second-degree sexual assault of a child, as a repeater, in this case and two charges in case No. 2016CM2495, the State agreed to recommend that the circuit court dismiss and read in the remaining charges in both cases.<sup>2</sup> The State also agreed to join in defense counsel's recommendation for an eleven-year sentence consisting of three years' initial confinement followed by eight years' extended supervision. Out of a maximum possible forty-two-year sentence, the court imposed a fourteen-year sentence, consisting of six years' initial confinement and eight years' extended supervision. The court also determined that Juedes was entitled to eighty-four days of sentence credit. Juedes filed a postconviction motion for

---

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

<sup>2</sup> In Marathon County case No. 2016CM2495, Juedes pleaded no contest to operating without a valid driver's license and misdemeanor bail jumping. Juedes's convictions in that matter are not before us in this appeal.

eighteen additional days of sentence credit, after which the State stipulated that Juedes was entitled to the credit sought, and the court amended the judgment accordingly.

The no-merit report addresses whether Juedes knowingly, intelligently and voluntarily entered his no-contest plea; whether the circuit court properly exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Juedes’s trial counsel. Upon reviewing the record, we agree with counsel’s analysis and conclusion that there is no arguable merit to these issues. With respect to the sentence in particular, there is a presumption that Juedes’s sentence, which is well within the maximum allowed by law, is not unduly harsh or unconscionable, nor “so excessive and unusual” as to shock public sentiment. *See State v. Grindemann*, 2002 WI App 106, ¶¶31-32, 255 Wis. 2d 632, 648 N.W.2d 507; *see also Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

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

Therefore,

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

IT IS FURTHER ORDERED that attorney Melissa Petersen is relieved of her obligation to further represent Kelly Juedes 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*