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

2019AP1443-CRNM	State of Wisconsin v. Antonio Xavier Ortiz (L.C. # 2016CF5288)
2019AP1444-CRNM	State of Wisconsin v. Antonio Xavier Ortiz (L.C. # 2016CF77)

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).

Antonio Xavier Ortiz appeals judgments convicting him of one count of fleeing an officer and two counts of robbery with use of force, as a party to a crime. Attorney Carl W. Chesshir was appointed to represent Ortiz on appeal. He filed a no-merit report pursuant to WIS. STAT.

RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738, 744 (1967). Ortiz received a copy of the report and was advised of his right to respond, but he has not responded. After considering the no-merit report and conducting an independent review of the record, as mandated by *Anders*, we conclude that there are no issues of arguable merit that Ortiz could raise on appeal. Therefore, we affirm. *See* WIS. STAT. RULE 809.21.

The no-merit report addresses whether Ortiz’s guilty pleas were knowingly, intelligently, and voluntarily entered. In order to ensure that a defendant is knowingly, intelligently, and voluntarily waiving the right to trial by entering a guilty plea, the circuit court must conduct a colloquy with the defendant to ascertain whether the defendant understands the elements of the crimes to which he is pleading guilty, the constitutional rights he is waiving by entering the plea, and the maximum potential penalties that could be imposed. *See* WIS. STAT. § 971.08, and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. A plea questionnaire and waiver-of-rights form that the defendant has acknowledged reviewing and understanding may reduce “the extent and degree of the colloquy otherwise required between the [circuit] court and the defendant[.]” *State v. Hoppe*, 2009 WI 41, ¶42, 317 Wis. 2d 161, 765 N.W.2d 794 (citation omitted). Based on the circuit court’s thorough plea colloquy with Ortiz and Ortiz’s review of the plea questionnaire and waiver-of-rights form, there would be no arguable merit to an appellate challenge to the plea.

The no-merit report addresses whether there would be arguable merit to a claim that the circuit court misused its discretion when it sentenced Ortiz. The circuit court sentenced Ortiz to an aggregate term of ten years of initial confinement and five years of extended supervision. The

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

circuit court considered the aggravating and mitigating circumstances of the case. 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.

The no-merit report also discusses whether Ortiz’s statement should have been suppressed because he was sixteen years old at the time he gave the statement and was not accompanied by a parent or guardian. Counsel explains that Ortiz believes that his statement should have been suppressed in accordance with *State v. Jerrell C.J.*, 2005 WI 105, 283 Wis. 2d 145, 699 N.W.2d 110. In that case, the Wisconsin Supreme Court held “that all custodial interrogations of juveniles in future cases be electronically recorded where feasible, and without exception when questioning occurs at a place of detention.” *Id.*, ¶3.² However, the Wisconsin Supreme Court declined to adopt a blanket rule requiring consultation with a parent or interested adult. *Id.* Therefore, the fact that Ortiz did not have a parent or an attorney present when he gave his statement does not provide grounds for appeal. There would be no arguable merit to this claim.

Our independent review of the record also reveals no arguable basis for reversing the judgments of conviction. Therefore, we affirm the judgments.

IT IS ORDERED that the judgments of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

² The legislature subsequently codified this requirement in WIS. STAT. § 938.195.

IT IS FURTHER ORDERED that Attorney Carl W. Chesshir is relieved of any further representation of Antonio Xavier Ortiz in these matters. *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