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DISTRICT II

August 26, 2020

To:

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Joshua A. Hopper Hernandez, #631486
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You are hereby notified that the Court has entered the following opinion and order:

| | |
|-----------------|--|
| 2019AP1740-CRNM | State of Wisconsin v. Joshua A. Hopper Hernandez (L.C. #2017CF932) |
| 2019AP1741-CRNM | State of Wisconsin v. Joshua A. Hopper Hernandez (L.C. #2018CF1601) |

Before Neubauer, C.J., Gundrum and Davis, 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).

Joshua A. Hopper Hernandez pled guilty to judgments, consolidated for disposition on appeal, convicting him on his guilty pleas of one count of manufacture/delivery of LSD, second/subsequent offense and, in the second case, two counts of manufacture/delivery of

cocaine. Two other drug counts in the two cases (manufacture/delivery of schedule IV drugs, second and subsequent offense) were dismissed and read in.

The charges against Hopper Hernandez arose from several controlled buys he made from a confidential informant (CI) working with the Waukesha Police Department. Hopper Hernandez's appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18)¹ and *Anders v. California*, 386 U.S. 738 (1967). Hopper Hernandez was advised of his right to file a response but has elected not to do so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21

The circuit court sentenced Hopper Hernandez in both cases on the same day. It sentenced him to six years' initial confinement (IC) and four years' extended supervision (ES) on the earlier case. On the second case, it ordered five years' IC and three years' ES on count 2, consecutive to the sentences imposed in the first case and to two other sentences not part of this appeal, and an imposed-and-stayed sentence of seven years' IC and five years' ES on count 3. The court also found Hopper Hernandez eligible for both the Challenge Incarceration and Substance Abuse Programs and ordered that he repay the Waukesha Police Department the buy money he received from the CI in the drug transactions.

The no-merit report considers whether the circuit court erred in accepting Hopper Hernandez's guilty pleas and sentencing him as it did. Appellate counsel thoroughly and

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

completely explores these potential issues. We agree with counsel's analysis and her conclusion that they are without merit. We thus need address them no further.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the convictions, and discharges appellate counsel of the obligation to represent Hopper Hernandez further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Tristan Breedlove is relieved from further representing Hopper Hernandez in these appeals. *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