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**DISTRICT III**

September 9, 2020

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

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2019AP742-CRNM      State of Wisconsin v. Veronica Marie Hernandez  
(L. C. No. 2016CF465)

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).**

Veronica Marie Hernandez appeals a judgment convicting her of seven felony charges and one misdemeanor charge. She also appeals the circuit court's order denying her postconviction motion. Appointed appellate counsel, Andrew H. Morgan, filed and served a

no-merit report in this case pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2017-18).<sup>1</sup> Hernandez was advised of her right to respond, but she has not responded. After reviewing the no-merit report and conducting an independent review of the record, as mandated by *Anders*, we conclude that there are no arguably meritorious issues that could be raised on appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

Hernandez was arrested in connection with a police investigation of a large drug-trafficking operation. Pursuant to a plea agreement, she pled guilty to possession of narcotic drugs; solicitation of delivery of methamphetamine; bail jumping, as a repeater; possession of methamphetamine, as a party to a crime; possession with intent to deliver THC in an amount of 200 grams or less, as a party to a crime; possession of drug paraphernalia, as a party to a crime; maintaining a drug-trafficking place; and conspiracy to commit delivery of THC in an amount greater than 10,000 grams. The circuit court sentenced her to an aggregate term of five years of initial confinement and five years of extended supervision for all of the charges, to be served consecutively to the sentence she was already serving. Hernandez moved for postconviction relief, arguing that she was entitled to additional sentence credit. The circuit court denied the motion.

The no-merit report addresses whether there would be arguable merit to an appellate challenge to Hernandez's guilty pleas. The circuit court conducted a colloquy with Hernandez that complied with WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986). In addition, Hernandez reviewed a plea questionnaire and waiver of rights

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

form with her counsel and signed it. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (holding that a 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). Therefore, there would be no arguable merit to an argument that Hernandez did not knowingly and voluntarily enter her pleas.

The no-merit report addresses two issues related to Hernandez's sentence: whether there would be arguable merit to a claim that Hernandez should have been eligible for the Substance Abuse Program when she was sentenced and whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion by ordering that Hernandez's sentences be served concurrently to each other but consecutively to a sentence that she was already serving. We agree with counsel's description, analysis and conclusion that any challenge to Hernandez's sentence would lack arguable merit.

The no-merit report also addresses whether there would be arguable merit to an appellate claim that the circuit court should adjust the withholding allowed from Hernandez's prison wages. The sentencing court lacks competency to address a motion to direct the Department of Corrections to modify the funds being deducted from an inmate's prison account. *See State v. Williams*, 2018 WI App 20, ¶1, 380 Wis. 2d 440, 909 N.W.2d 177. An inmate must seek recourse through the inmate complaint review system. *See id.* Therefore, there would be no arguable merit to this claim.

Our independent review of the record reveals no other potential issues of arguable merit. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Accordingly,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed.

WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Andrew H. Morgan is relieved of further representation of Veronica Marie Hernandez in this matter. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*