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DISTRICT I

September 9, 2020

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

2019AP5-CRNM

State of Wisconsin v. Juan Carlos Ortiz, Jr. (L.C. # 2014CF4564)

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

Juan Carlos Ortiz, Jr., appeals a judgment convicting him after a jury trial of false imprisonment, intimidating a victim, and disorderly conduct, all charged as a repeat offender and as incidents of domestic abuse. Appointed appellate counsel, Attorney Vicki Zick, filed a no-merit

report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738, 744 (1967). Ortiz was provided with a copy of the no-merit report and advised of his right to respond, but he has not done so. 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 summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The no-merit report addresses whether Ortiz’s conviction was supported by the evidence. When reviewing the sufficiency of the evidence, we look at whether “the evidence, viewed most favorably to the [S]tate and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Zimmerman*, 2003 WI App 196, ¶24, 266 Wis. 2d 1003, 669 N.W.2d 762 (citation omitted). “If any possibility exists that the trier of fact could have drawn the appropriate inferences from the evidence adduced at trial to find the requisite guilt, an appellate court may not overturn [the] verdict[.]” *Id.* (citation omitted).

During the jury trial, the victim D.N. testified that Ortiz, with whom she has two children, would not let her leave the house and repeatedly threatened to kill her, the children, and her extended family. D.N. testified that she was able to escape to the front yard at one point, but Ortiz violently carried her back into the house in front of their alarmed neighbors. D.N.’s mother testified that she attempted to help D.N. escape from Ortiz. Two police officers, Jonathan Caya and Aaron Frantal, testified about their roles in freeing D.N. from Ortiz. Based on our review of the trial transcripts and other evidence, we conclude that there was sufficient evidence presented

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

for the jury to find Ortiz guilty of the charges. Therefore, there would be no arguable merit to a claim that there was insufficient evidence presented at trial to support the verdict.

The no-merit report next addresses whether there would be arguable merit to an appellate challenge to the sentence imposed on Ortiz. The circuit court sentenced Ortiz to four years of initial confinement and two years of extended supervision for false imprisonment. The circuit court also sentenced Ortiz to six years of initial confinement and three years of extended supervision for intimidating a victim and one year for disorderly conduct, all to be served consecutively. The circuit court considered appropriate sentencing objectives and imposed a sentence that was based on appropriate sentencing criteria applied to the facts of this case. *See State v. Brown*, 2006 WI 131, ¶26, 298 Wis. 2d 37, 725 N.W.2d 262. Because the circuit court properly exercised its discretion, there would be no arguable merit to an appellate challenge to the sentence.

Finally, the no-merit report addresses whether there are any other possible issues that Ortiz could raise on appeal. The no-merit report reviews in detail various aspects of the trial, including *voir dire*, opening and closing arguments, a motion for mistrial, and Ortiz's decision not to testify. We agree with the no-merit report's conclusion that the record reveals no grounds for appeal. Moreover, counsel effectively advocated on Ortiz's behalf in all respects.

Our independent review of the record reveals no arguable basis for reversing the judgment of conviction. Therefore,

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

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of any further representation of Juan Carlos Ortiz, Jr., 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