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DISTRICT I

September 22, 2020

To:

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

2020AP155-CRNM State of Wisconsin v. Gerardo Isiah Lazo, Jr. (L.C. # 2017CF1836)

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).

Gerardo Isiah Lazo, Jr., appeals a judgment convicting him of possession of cocaine with intent to deliver, as a party to a crime, possession of oxycodone, resisting an officer, carrying a concealed weapon, and two counts of felony bail jumping. Appointed appellate counsel,

Christopher D. Sobic, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-18),¹ and *Anders v. California*, 386 U.S. 738 (1967). Lazo was served with a copy of the report and was advised of his right to file a response, but he has not responded. After considering the report and conducting an independent review of the record, we conclude that there are no issues of arguable merit that could be raised on appeal. See WIS. STAT. RULE 809.21. Therefore, we affirm.

The no-merit report first addresses whether there would be arguable merit to a claim that Lazo's guilty plea was not knowingly, intelligently, and voluntarily entered. The circuit court conducted a colloquy that conformed to the strictures of WIS. STAT. § 971.08 and *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986), when read in conjunction with Lazo's signed plea questionnaire and waiver of rights form. 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). We conclude that there would be no arguable merit to an appellate challenge to Lazo's plea.

The no-merit report next addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its sentencing discretion. The circuit court sentenced Lazo to a total of nine years of initial confinement and five years of extended supervision. The record establishes that the circuit court carefully considered the general objectives of sentencing and the appropriate sentencing factors, applied the factors to the facts of this case, and reached a

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

reasonable sentencing decision. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (the court must identify the factors it considered and explain how those factors fit the objectives and influenced its sentencing decision). We conclude that there would be no arguable merit to a challenge to the court’s sentencing discretion.

Our review of the record discloses no other potential issues for appeal. Accordingly, we accept the no-merit report, affirm the conviction, and discharge appellate counsel of the obligation to represent Lazo further in this appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Assistant State Public Defender Christopher B. Sobic is relieved from further representing Lazo in this appeal. *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