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**DISTRICT I**

September 29, 2020

To:

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

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2020AP313-CRNM      State of Wisconsin v. Angelo Earl Juarez (L.C. # 2017CF3295)

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).**

Angelo Earl Juarez appeals a judgment convicting him of unlawfully possessing a firearm as a convicted felon. Attorney Jay R. Pucek was appointed to represent Juarez for postconviction and appellate proceedings. He filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2017-

18),<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Juarez 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 police were investigating a complaint that shots had been fired. They found Juarez asleep in a car in an alley with a gun on his lap. Juarez's trial counsel moved to suppress the gun, arguing that the police had illegally searched Juarez. The circuit court denied the motion. Juarez entered a guilty plea. The circuit court sentenced him to fourteen months of initial confinement and two years of extended supervision, but stayed the sentence in favor of two years of probation, and imposed sixty days in jail as a condition.

The no-merit report first addresses whether there would be arguable merit to a claim that Juarez did not knowingly, intelligently, and voluntarily enter his guilty plea. The circuit court conducted a colloquy with Juarez 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, Juarez discussed information pertinent to entering the plea with his counsel prior to the plea hearing, reviewed a plea questionnaire and waiver of rights form with his counsel, and signed it. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987) (the court may rely on a plea questionnaire and waiver of rights form in assessing the defendant's knowledge about

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

the rights he or she is waiving). Therefore, there would be no arguable merit to an appellate challenge to the 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 record establishes that the circuit court carefully considered the general objectives of sentencing and applied the sentencing factors in light of the facts of this case and addressed them at length in its sentencing decision, reaching a reasonable result. *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 sentencing objectives and influenced its decision). Accordingly, there would be no arguable merit to a challenge to the sentence.

The no-merit report next addresses whether the circuit court erred in denying Juarez's motion to suppress. Police Officer Thomas Slowinski testified that he was assisting officers who were attacked while responding to a complaint of shots fired. The shooter had been seen running away from the vicinity near where Juarez was found sleeping in a car with no license plates. Officer Slowinski said that he was concerned that Juarez was either wounded, suffering from an overdose, or intoxicated because Juarez did not respond when Officer Slowinski tried to get Juarez's attention by knocking on the window and shining a flashlight into the car. Officer Slowinski testified that he opened the car door to check on Juarez, and then noticed the gun on his lap. The circuit court found that the police officer's entry into the car was justified under the community caretaker exception to the warrant requirement, which allows police officers to take actions necessary to protect persons when the officer discovers a member of the public who is in need of assistance. *State v. Pinkard*, 2010 WI 81, ¶14, 327 Wis. 2d 346, 785 N.W.2d 592. The

circuit court's ruling was proper based on the facts to which Officer Slowinski testified. There would be no arguable merit to an appellate challenge to the suppression motion.

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 Juarez 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 Attorney Jay R. Pucek is relieved from further representing Angelo Earl Juarez in this appeal. *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*