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**DISTRICT II**

September 1, 2021

To:

Hon. Faye M. Flancher  
Circuit Court Judge  
Electronic Notice

Patricia J. Hanson  
District Attorney  
Electronic Notice

Samuel A. Christensen  
Clerk of Circuit Court  
Racine County  
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Winn S. Collins  
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Gregory Bates  
Electronic Notice

Ricardo Garcia-Vasquez, #672724  
Racine Correctional Inst.  
P.O. Box 900  
Sturtevant, WI 53177-0900

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

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2020AP311-CRNM      State of Wisconsin v. Ricardo Garcia-Vasquez (L.C. #2015CF815)

Before Gundrum, P.J., Neubauer and Grogan, 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).**

Ricardo Garcia-Vasquez appeals from a judgment convicting him of possession of tetrahydrocannabinols with intent to deliver contrary to WIS. STAT. § 961.41(1m)(h)3 (2015-16). Garcia-Vasquez's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Garcia-Vasquez received a copy of the report and was advised of his right to file a response. He has not done so. Upon

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

consideration of the report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there are no issues that would have arguable merit for appeal. WIS. STAT. RULE 809.21.

After a jury trial, the circuit court sentenced Garcia-Vasquez to an eight-year term (four years of initial confinement and four years of extended supervision). Garcia-Vasquez received sentence credit.

The no-merit report addresses the following possible appellate issues: (1) whether the circuit court misused its discretion relating to various pre-trial rulings in the case, including a motion to suppress and a challenge to the voluntariness of Garcia-Vasquez's statements; (2) whether there was sufficient evidence to support the guilty verdict; and (3) whether the circuit court misused its sentencing discretion. After reviewing the record, we conclude that counsel's no-merit report properly analyzes these issues and correctly determines that these issues lack arguable merit.

To the extent the jury had before it conflicting evidence as to whether the alleged offenses occurred as the State claimed, it was the jury's function to weigh the evidence, draw reasonable inferences, and resolve conflicts in the testimony. *See State v. Poellinger*, 153 Wis. 2d 493, 506, 451 N.W.2d 752 (1990). We may not reverse unless the evidence, "viewed most favorably to the state and the conviction, is so insufficient in probative value and force that it can be said as a matter of law that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." *Id.* at 501. The standard is the same whether the evidence is direct or circumstantial. *Id.* We conclude that no arguable merit could arise from a challenge to the sufficiency of the evidence.

The circuit court also engaged in a proper exercise of sentencing discretion after considering various sentencing factors. *See State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (we review the sentence for a misuse of discretion); *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76 (sentencing objectives and factors discussed).

In addition to the issues discussed above, we have independently reviewed the record. Our independent review of the record did not disclose any arguably meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report, affirm the judgment of conviction and relieve Attorney Gregory Bates of further representation of Garcia-Vasquez in this matter.

Upon the foregoing reasons,

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 Gregory Bates is relieved of further representation of Ricardo Garcia-Vasquez in this matter.

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*