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**DISTRICT II**

September 8, 2021

To:

Hon. Jason A. Rossell  
Circuit Court Judge  
Electronic Notice

Michael D. Graveley  
District Attorney  
Electronic Notice

Rebecca Matoska-Mentink  
Clerk of Circuit Court  
Kenosha County  
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Winn S. Collins  
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Thomas Brady Aquino  
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Yolanda Zavala-Quintero, #228167  
Taycheedah Correctional Inst.  
P.O. Box 3100  
Fond du Lac, WI 54936-3100

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

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|-----------------|---|
| 2020AP1145-CRNM | State of Wisconsin v. Yolanda Zavala-Quintero<br>(L.C. #2018CM1424) |
| 2020AP1146-CRNM | State of Wisconsin v. Yolanda Zavala-Quintero<br>(L.C. # 2019CF116) |
| 2020AP1147-CRNM | State of Wisconsin v. Yolanda Zavala-Quintero<br>(L.C. # 2019CF144) |

Before Gundrum, P.J., Reilly 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).**

Yolanda Zavala-Quintero appeals three judgments of conviction in these consolidated no-merit appeals. Appointed appellate counsel has 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). Zavala-Quintero was advised of her right to file a response but has not done so. Upon consideration of the no-merit report and an independent review of the record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgments because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

These appeals encompass three circuit court cases that involved two separate plea hearings and one combined sentencing hearing. In the first of the three cases, Zavala-Quintero was charged with one count of operating a motor vehicle after revocation and two counts of possession of drug paraphernalia, all as a repeater. Pursuant to a plea agreement, Zavala-Quintero pled guilty to the operating after revocation count, without a repeater allegation, and one of the possession of drug paraphernalia counts; the remaining possession of drug paraphernalia count was dismissed.

In the second and third cases, the State charged Zavala-Quintero with a total of eleven crimes. Pursuant to a plea agreement, Zavala-Quintero pled guilty to one count of operating a motor vehicle without the owner's consent, one count of burglary, and a second count of burglary, with a repeater allegation; the eight remaining charges were dismissed and read in.

In the first case, involving only misdemeanors, the circuit court imposed jail terms of sixty days each, concurrent to one another. In the other two cases, involving felonies, the court imposed a combination of consecutive and concurrent sentences for a total global sentence of

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

thirteen years of imprisonment consisting of six years of initial confinement and seven years of extended supervision.

The no-merit report first addresses whether Zavala-Quintero's guilty pleas were knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. With two inconsequential exceptions that we discuss below, the plea colloquies sufficiently complied with the requirements of WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis.2d 594, 716 N.W.2d 906, relating to the nature of the charges, the rights Zavala-Quintero was waiving, and other matters.

The first exception is that the circuit court did not personally establish at either of the two plea hearings that Zavala-Quintero understood that the court is not bound by a plea agreement, including any sentencing recommendation by the State that is part of the agreement. However, the parties' agreements here did not include any particular sentencing recommendations by the State, and the court accepted both agreements. Accordingly, there is no arguable merit to pursuing plea withdrawal based on the circuit court's failure to personally establish that Zavala-Quintero understood that the court was not bound by the plea agreements. *See State v. Johnson*, 2012 WI App 21, ¶¶12-13, 339 Wis.2d 421, 811 N.W.2d 441 (explaining that the circuit court's failure to advise the defendant that the court was not bound by the plea agreement did not affect the validity of the defendant's plea when the defendant received the benefit of the agreement).

The second exception is that, during the first plea hearing, the circuit court did not provide Zavala-Quintero with the immigration warnings required by WIS. STAT. § 971.08(1)(c). However, counsel states that he is unaware of any basis upon which Zavala-Quintero's guilty

pleas would result in immigration consequences, and the presentence investigation report shows that Zavala-Quintero was born in the United States. Accordingly, the lack of immigration warnings is harmless error and does not provide any arguable basis to seek plea withdrawal. *See State v. Reyes Fuerte*, 2017 WI 104, ¶32, 378 Wis. 2d 504, 904 N.W.2d 773.

The no-merit report next addresses whether there is any arguable basis for Zavala-Quintero to challenge the circuit court's exercise of its sentencing discretion. We agree with counsel that there is not. The sentences were within the maximum allowed, and the circuit court discussed the required sentencing factors along with other relevant factors. *See State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. The court did not consider any improper factors. We see no other nonfrivolous basis for Zavala-Quintero to challenge her sentences.

Based upon our independent review of the record, we have found no other arguable basis for reversing the judgments of conviction. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Therefore,

IT IS ORDERED that the judgments are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Thomas Brady Aquino is relieved from further representing Yolanda Zavala-Quintero 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*