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110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
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**DISTRICT IV**

December 16, 2021

To:

Hon. Todd P. Wolf  
Circuit Court Judge  
Electronic Notice

Cindy Joosten  
Clerk of Circuit Court  
Wood County Courthouse  
Electronic Notice

Winn S. Collins  
Electronic Notice

Roberta A. Heckes  
Electronic Notice

Craig S. Lambert  
Electronic Notice

Taylor J. Owczynsky 682682  
Robert Ellsworth Corr. Center  
21425-A Spring St.  
Union Grove, WI 53182-9408

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

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2020AP749-CRNM      State of Wisconsin v. Taylor J. Owczynsky (L.C. # 2018CF90)

Before Blanchard, P.J., Graham, and Nashold, 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).**

Attorney Roberta Heckes, appointed counsel for Taylor Owczynsky, 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). Counsel provided Owczynsky with a copy of the report, Owczynsky filed a response, and counsel filed a supplemental no-merit report. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record,

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

the no-merit report, response, and supplemental report, we conclude there is no arguable merit to any issue that could be raised on appeal.

Owczynsky pled no contest to one count of homicide by use of a vehicle with a prohibited alcohol concentration. *See* WIS. STAT. § 940.09(1)(b). The court imposed a sentence of four years of initial confinement and four years of extended supervision.

The no-merit report addresses whether Owczynsky's plea was knowing, voluntary, and intelligent, and whether the circuit court ascertained an adequate factual basis for the plea. Our independent review of the record reveals that the plea colloquy complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 255-73, 389 N.W.2d 12 (1986), and WIS. STAT. § 971.08 relating to the nature of the charge, Owczynsky's understanding of the proceedings and the voluntariness of the plea decision, the penalty ranges and other direct consequences of the pleas, and the constitutional rights being waived. The record also establishes that the court ascertained on the record a factual basis for the plea. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report also addresses whether the circuit court erroneously exercised its sentencing discretion. As correctly described in the report, the sentence imposed is within the legal maximum. The standards for the circuit court and this court on discretionary sentencing issues are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. Any argument that the circuit court erroneously exercised its sentencing discretion is without arguable merit on appeal.

Counsel also concludes in the no-merit report and supplemental report that there would be no arguable merit to a claim that Owczynsky received ineffective assistance of trial counsel. In her response to the no-merit report, Owczynsky asserts that her trial counsel failed to explain to her that pleading no contest “meant [g]uilty.” Even if we assume that Owczynsky’s assertion is true, the record demonstrates that the circuit court confirmed that Owczynsky understood the consequences of her no-contest plea before accepting the plea. The transcript of the plea hearing demonstrates that, during the colloquy, the court asked Owczynsky, “And do you understand that with that plea of no contest here today I am likely gonna find you guilty of this offense?” Owczynsky responded, “Yes.” Our review of the record, the no-merit report, response, and supplemental no-merit report reveals no basis for an arguably meritorious claim of ineffective assistance of trial counsel.

The remainder of Owczynsky’s arguments in her no-merit response are related to the strength of the evidence against her, or are about other evidence that might have been used in her favor. However, sufficiency of the evidence is an issue that was waived by Owczynsky’s no-contest plea. Therefore, the strength of the evidence is not an issue for further consideration.

Our independent review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Roberta Heckes is relieved of further representation of Taylor Owczynsky in this case pursuant to 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*