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DISTRICT III

December 21, 2021

To:

Hon. Michael A. Schumacher
Circuit Court Judge
Electronic Notice

Susan Schaffer
Clerk of Circuit Court
Eau Claire County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Gary King
Electronic Notice

Angela Dawn Wenzel
Electronic Notice

Samuel Serrano
Dunn County Jail
615 Stokke Parkway
Menomonie, WI 54751

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

2021AP117-CRNM State of Wisconsin v. Samuel Serrano
(L. C. No. 2019CF508)

Before Stark, P.J., Hruz and Gill, 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).

Samuel Serrano appeals from a judgment of conviction, following a guilty plea, of possession with intent to deliver more than forty grams of cocaine. His appellate counsel, Angela Dawn Wenzel, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20),¹ and *Anders v. California*, 386 U.S. 738 (1967). Serrano received a copy of the report and was advised of his right to file a response, but he did not do so. We have independently reviewed the record and the no-merit report as mandated by *Anders*. We

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

conclude that there is no issue of arguable merit that could be pursued on appeal. We, therefore, summarily affirm. *See* WIS. STAT. RULE 809.21.

On April 12, 2019, Serrano was charged with possession with intent to deliver cocaine in an amount greater than forty grams, and with possession of drug paraphernalia. According to the criminal complaint, police were dispatched to a Menards distribution facility on April 10, 2019, after employees noticed suspicious items in a semi-truck driven by Serrano. Police noticed a backpack and an open duffle bag containing multiple rectangular packages in the truck. After Serrano consented to a search of the truck, police found two methamphetamine pipes and twenty-seven rectangular packages of cocaine in the duffle bag and backpack. The total weight of cocaine was approximately sixty-seven and one-half pounds.

Serrano ultimately entered into a plea agreement with the State, whereby Serrano would plead no contest to the possession with intent to deliver charge, and the State would recommend dismissal and read in the possession of drug paraphernalia charge. The circuit court conducted a plea colloquy, accepted Serrano's plea, and sentenced Serrano to nine years' initial confinement and twelve years' extended supervision.

The no-merit report addresses the potential issues of whether Serrano's plea was valid and whether the circuit court properly exercised its discretion during sentencing. The plea colloquy, together with the plea questionnaire/waiver of rights form and a statement outlining the elements of the crime (initialed by Serrano), demonstrate Serrano's understanding of the information to which he was entitled and that his plea was knowing, voluntary, and intelligent. *See State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986); *see also State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987). Additionally, the

record reveals that the court considered and applied the relevant sentencing factors. This court is satisfied that the no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further.

Our review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Serrano further in this appeal.

Therefore, upon the foregoing,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Angela Dawn Wenzel is relieved of further representing Samuel Serrano in this matter. *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