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DISTRICT II

January 26, 2022

To:

Hon. Wynne P. Laufenberg
Circuit Court Judge
Electronic Notice

Samuel A. Christensen
Clerk of Circuit Court
Racine County
Electronic Notice

Winn S. Collins
Electronic Notice

Patricia J. Hanson
Electronic Notice

Jay R. Pucek
Electronic Notice

Scott A. Saucedo, #683347
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:

2020AP790-CRNM State of Wisconsin v. Scott A. Saucedo (L.C. #2018CF1561)

Before Neubauer, Grogan and Kornblum, 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).

Scott A. Saucedo appeals from a judgment for possession with intent to deliver cocaine; possession with intent to deliver THC; and three counts of neglecting a child, specified harm did not occur, child under six years old. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20)¹ and *Anders v. California*, 386 U.S. 738 (1967). Saucedo received a copy of the report, was advised of his right to respond, and has elected not to do so.

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

Upon consideration of the report and an independent review of the record, we conclude that the judgment may be summarily affirmed because there are no issues with arguable merit for appeal. *See* WIS. STAT. RULE 809.21.

A criminal complaint alleged that Saucedá struck his two-year-old child, during a two-day visit, as punishment for urinating in his pants. After the child's mother picked up the child, she noticed bruising on his buttocks area and also that the child was lethargic, so she brought the child to the emergency room. The examining pediatric physician found that "child abuse is the suspected etiology for the buttock bruising." As part of the examination, blood and urine were tested, and the child's blood revealed the presence of a metabolite of THC.

A search warrant was subsequently executed at Saucedá's residence, and police discovered cocaine, marijuana, a scale commonly used to weigh drugs, and drug packaging materials, among other things. The marijuana and drug paraphernalia were scattered about the dining room and kitchen tables within reach of children. During a Mirandized interview, Saucedá admitted to using marijuana fifteen times daily and consuming cocaine as well. Saucedá also stated that the cocaine and marijuana were for personal consumption and also to sell.

Saucedá pleaded guilty to five charges, consisting of the cocaine, THC, and three child neglect counts. Three other charges involving maintaining a drug trafficking place, physical abuse of a child and neglect of a child were dismissed and read in. Also dismissed and read in were charges in an unrelated case of disorderly conduct and criminal damage to property, both as a domestic abuse repeaters. The circuit court imposed a total prison sentence consisting of four

years' initial confinement and four years' extended supervision, followed by two years of consecutive probation.

The no-merit report addresses whether Saucedá's pleas were knowingly, voluntarily, and intelligently entered and whether the court properly exercised its sentencing discretion. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

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

Upon the foregoing,

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 Jay R. Pucek is relieved of further representing Scott A. Saucedá in this appeal. *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