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**DISTRICT I**

March 22, 2022

To:

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Circuit Court Judge  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County  
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Stanley Correctional Inst.  
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You are hereby notified that the Court has entered the following opinion and order:

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2020AP1864-CRNM      State of Wisconsin v. Antoine L. London (L.C. # 2017CF593)

Before Brash, C.J., Donald, P.J., and Dugan, J.

**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).**

Antoine L. London appeals from a judgment of conviction, following a guilty plea, of second-degree sexual assault of a child. *See* WIS. STAT. § 948.02(2) (2019-20).<sup>1</sup> His appellate counsel, Jay Pucek, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). London received a copy of the report, was advised of his right to file a response, but did not do so. We have independently reviewed the record and

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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 as mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We, therefore, summarily affirm.

The State filed a criminal complaint charging London with first-degree sexual assault of a child under the age of twelve. The complaint alleged that the eleven-year-old victim described a specific incident where London assaulted her.

The matter initially proceeded to a jury trial, however after multiple adjournments relating to London's possible intimidation of witnesses and the witnesses' availability, London ultimately pled guilty to an amended charge of second-degree sexual assault of a child. In addition to amending the charge, the State moved to dismiss and read in a witness intimidation charge in a related case and agreed to recommend that London be sent to prison, but with no comment on the length of that prison sentence. The circuit court conducted a plea colloquy, accepted London's guilty plea, and found him guilty. The circuit court sentenced London to fifteen years of initial confinement and ten years of extended supervision.

The no-merit report addresses the potential issues of whether London's plea was valid and whether the circuit court properly exercised its discretion during sentencing. The plea colloquy, together with the plea questionnaire and waiver of rights form, the addendum, and the applicable jury instruction, demonstrate London's understanding of the information he was entitled to and that his plea was knowingly, voluntarily, and intelligently entered. 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).

With regard to the circuit court's sentencing decision, we note that sentencing is a matter for the circuit court's discretion. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678

N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others. *See State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. It must also determine which objective or objectives are of greatest importance. *See Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the circuit court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, as well as additional factors it may wish to consider. *See State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the circuit court's discretion. *See id.*

Our review of the record confirms that the circuit court appropriately considered relevant sentencing objectives and factors. Specifically, the circuit court addressed the gravity of the offense, the potential impact of London's actions on the victim, the positive aspects of London's character, as well as his prior violent actions. The resulting sentence was within the potential maximum authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is not so excessive so as to shock the public's sentiment, *see Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Therefore, there would be no arguable merit to a challenge to the court's sentencing discretion.

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing, therefore,

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

IT IS FURTHER ORDERED that Attorney Jay Pucek is relieved of further representation of London in this matter. *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*