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DISTRICT IV

March 24, 2022

To:

Hon. William F. Hue
Circuit Court Judge
Electronic Notice

Cindy Hamre Incha
Clerk of Circuit Court
Jefferson County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Michael D. Rosenberg
Electronic Notice

Brookellen Teuber
Electronic Notice

Armon D. Vaccaro 645832
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2020AP1533-CRNM State of Wisconsin v. Armon D. Vaccaro (L.C. # 2019CF22)

Before Blanchard, P.J., Kloppenburg, 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 Michael Rosenberg, appointed counsel for Armon Vaccaro, 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). Counsel provided Vaccaro with a copy of the report, and both counsel and this court advised Vaccaro of his right to file a response. Vaccaro has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our

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

independent review of the record and the no-merit report, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Vaccaro pled no contest to one count of armed burglary, as a party to a crime, in violation of WIS. STAT. §§ 943.10(2)(a) and 939.05. The circuit court imposed a sentence of six years of initial confinement and five years of extended supervision.

The no-merit report addresses whether Vaccaro's plea was entered knowingly, voluntarily, and intelligently. Our independent review of the record reveals that the plea colloquy sufficiently 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, Vaccaro'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 Vaccaro stipulated that there was 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 explained in the no-merit 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.

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 Michael Rosenberg is relieved of further representation of Armon Vaccaro in this case pursuant to 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