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DISTRICT I

July 6, 2022

To:

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Circuit Court Judge
Electronic Notice

George Christenson
Clerk of Circuit Court
Milwaukee County Safety Building
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Chris A. Gramstrup
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Teodoro Alvarez-Medina 650495
Stanley Correctional Inst.
100 Corrections Drive
Stanley, WI 54768

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

2020AP323-CRNM State of Wisconsin v. Teodoro Alvarez-Medina
(L.C. # 2016CF2055)

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).

Teodoro Alvarez-Medina appeals a judgment convicting him after a jury trial of two counts of first-degree sexual assault, sexual contact with a child under the age of thirteen. Appointed appellate counsel, Chris A. Gramstrup, filed a no-merit report. *See* WIS. STAT. RULE 809.32 (2019-20);¹ *Anders v. California*, 386 U.S. 738, 744 (1967). Alvarez-Medina responded to the report. Attorney Gramstrup then filed a supplemental no-merit report, to which Alvarez-

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

Medina also responded. After considering the no-merit reports and responses, and after conducting an independent review of the record as mandated by *Anders*, we conclude that there are no issues of arguable merit that Alvarez-Medina could raise on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The no-merit report first addresses whether there was sufficient evidence adduced at trial to support the jury's guilty verdicts. When reviewing the sufficiency of the evidence, we look at whether "the evidence, viewed most favorably to the [S]tate and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." *State v. Zimmerman*, 2003 WI App 196, ¶24, 266 Wis. 2d 1003, 669 N.W.2d 762 (citation omitted). "If any possibility exists that the trier of fact could have drawn the appropriate inferences from the evidence adduced at trial to find the requisite guilt, an appellate court may not overturn [the] verdict[.]" *Id.* (citation omitted).

E.G.A., who was nine years old at the time of the trial, testified about Alvarez-Medina's sexual abuse of her. M.I.A., who was eight years old at the time of the trial, also testified about Alvarez-Medina's sexual abuse of her. T.A., who was eleven years old at the time of trial, testified that he is the older brother of E.G.A. and the uncle of M.I.A. He further testified that he was present when some of the assaults occurred. Based on our review of the trial transcripts and other evidence, we conclude that there was sufficient evidence presented at the trial for the jury to find Alvarez-Medina guilty of the charges. Therefore, there would be no arguable merit to a claim that there was insufficient evidence presented at trial to support the verdicts.

The no-merit report next addresses whether there would be arguable merit to an appellate challenge to Alvarez-Medina's sentence. The circuit court sentenced Alvarez-Medina to twelve

years of imprisonment on each count, with seven years of initial confinement and five years of extended supervision, to be served consecutively. The circuit court considered appropriate sentencing objectives and explained that the sentence it imposed was based on various sentencing criteria applied to the facts of this case. *See State v. Brown*, 2006 WI 131, ¶26, 298 Wis. 2d 37, 725 N.W.2d 262. Because the circuit court properly exercised its discretion, there would be no arguable merit to an appellate challenge to the sentence.

The no-merit report next addresses whether there would be arguable merit to a claim that Alvarez-Medina received ineffective assistance of trial counsel. We agree with the no-merit report's assessment of this issue and its conclusion that there is no arguable basis for an argument on appeal that Alvarez-Medina received ineffective assistance of trial counsel.

In his response, Alvarez-Medina argues that his right to be free from double jeopardy was violated and his sentences should have been run concurrently because both convictions are based on the same facts. Alvarez-Medina's arguments find no support in the law. The convictions are based on different facts because there were two different victims. Therefore, the charges do not infringe on Alvarez-Medina's constitutional right to be free from double jeopardy. *State v. Lechner*, 217 Wis. 2d 392, 401-03, 576 N.W.2d 912 (1998) (the double jeopardy clause protects a defendant from multiple punishments for the *same* offense). Moreover, the circuit court was not required to run the sentences concurrently because there were two separate convictions. *See* WIS. STAT. § 973.15(2)(a) (“[T]he court may impose as many sentences as there are convictions and may provide that any such sentence be concurrent with or consecutive to any other sentence imposed at the same time or previously.”). Accordingly, there would be no arguable merit to these issues.

Our independent review of the record reveals no arguable basis for reversing the judgment of conviction. Therefore, we affirm the judgment and relieve Attorney Gramstrup of further representation of Alvarez-Medina.

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 Chris A. Gramstrup is relieved of any further representation of Alvarez-Medina 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