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DISTRICT II

September 21, 2022

To:

Hon. David P. Wilk
Circuit Court Judge
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Michael D. Graveley
Electronic Notice

Mark A. Schoenfeldt
Electronic Notice

Winn S. Collins
Electronic Notice

Valentino T. Azure, #440341
Kettle Moraine Correctional Inst.
P.O. Box 282
Plymouth, WI 53073-0282

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

2020AP1005-CRNM State of Wisconsin v. Valentino T. Azure (L.C. #2018CF760)

Before Gundrum, P.J., Neubauer and Lazar, 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).

Valentino T. Azure appeals a judgment of conviction entered upon his guilty plea to one count of physical abuse of a child as a repeater. His appointed 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, 744 (1967). Azure received a copy of the report, was advised of his right to file a response, and has not done so. Upon consideration of the no-merit report and an independent review of the

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

record, we conclude that the judgment may be summarily affirmed because there are no arguably meritorious issues for appeal. *See* WIS. STAT. RULE 809.21.

The State filed a two-count complaint charging Azure, as a repeater, with (1) physical abuse of a child—intentionally causing bodily harm, and (2) disorderly conduct as an act of domestic abuse. Pursuant to a plea agreement, Azure pled guilty to physical abuse of a child, and the disorderly conduct count was dismissed and read in. The State agreed to recommend probation but retained a free hand as to the length and conditions of supervision. At sentencing, the circuit court imposed a five-year sentence, bifurcated into thirty months’ initial confinement followed by thirty months’ extended supervision. This no-merit appeal follows.

Appointed counsel’s no-merit report addresses: (1) whether Azure’s guilty plea was knowingly, voluntarily, and intelligently entered; (2) whether there exists a factual basis for the conviction; (3) whether the circuit court properly exercised its discretion in imposing sentence; and (4) whether Azure was denied the effective assistance of trial counsel. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and this court will not discuss them further.

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

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

IT IS FURTHER ORDERED that Attorney Mark A. Schoenfeldt is relieved from further representing Valentino T. Azure 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