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110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
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**DISTRICT III**

September 20, 2022

To:

Hon. Kelly J. Thimm  
Circuit Court Judge  
Electronic Notice

Michele Wick  
Clerk of Circuit Court  
Douglas County Courthouse  
Electronic Notice

Winn S. Collins  
Electronic Notice

Vicki Zick  
Electronic Notice

Yuval Isadorous Bixler 691264  
Racine Youthful Offender Corr. Facility  
P.O. Box 2500  
Racine, WI 53404-2500

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

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2022AP80-CRNM	State of Wisconsin v. Yuval Isadorous Bixler
2022AP81-CRNM	(L. C. Case Nos. 2019CF368, 2019CF369, 2019CF560,
2022AP82-CRNM	2020CF148)
2022AP83-CRNM	

Before Stark, P.J., Hruz and Gill, 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).**

Yuval Isadorous Bixler appeals four judgments convicting him of two counts of repeated sexual assault of the same child (different victims), one count of second-degree sexual assault of a child under the age of sixteen, one count of exposing genitals to a child, as a repeater, and one count of exposing a child to harmful descriptions, as a repeater. Attorney Vicki Zick filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2019-20),<sup>1</sup> and *Anders v. California*,

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

386 U.S. 738, 744 (1967). Bixler was advised of his right to respond, but he has not done so. After considering the no-merit report and conducting an independent review of the records as mandated by *Anders*, we conclude that there are no issues of arguable merit. Therefore, we affirm. *See* WIS. STAT. RULE 809.21.

These appeals stem from four felony cases that were charged separately but were resolved together at sentencing. According to the complaint in the first case, Bixler had sexual intercourse multiple times with a fourteen-year-old girl between December 26, 2017, and December 31, 2017.<sup>2</sup> He was charged with one count of repeated sexual assault of the same child. According to the complaint in the second case, involving a different victim, Bixler had sexual intercourse and sexual contact multiple times with a fifteen-year-old girl between June 7, 2018, and September 25, 2018. As a result, Bixler was charged with one count of repeated sexual assault of the same child and one count of first-degree sexual assault of a child under the age of sixteen by use or threat of force or violence. The complaint in the third case alleged that Bixler had sexual intercourse with a different thirteen-year-old child on or about July 25, 2019. Bixler was charged with one count of sexual assault of a child under the age of sixteen. According to the complaint in the fourth case, while Bixler was in jail awaiting sentencing on the first three cases, he sent sexually explicit text messages to a fourth victim. Bixler was charged with one count of exposing intimate parts to a child, and one count of exposing a child to harmful descriptions, both counts as a repeater.

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<sup>2</sup> Bixler was seventeen years old at the time this crime was committed. All four judgments stem from crimes that Bixler committed when he was between seventeen and nineteen years old.

On February 28, 2020, the circuit court conducted a plea hearing as to the first three cases. Bixler entered a guilty plea to one count of repeated sexual assault of the same child in case No. 2022AP80, and he entered no-contest pleas to one count of repeated sexual assault of the same child in case No. 2022AP81 and one count of second-degree sexual assault of a child under the age of sixteen in case No. 2022AP82. According to the plea agreement, which was stated on the record, because Bixler entered pleas to three of the four charges against him, the State agreed to dismiss and read in the charge of first-degree sexual assault of a child under the age of sixteen by use or threat of force. The State also agreed to recommend no more than five years of initial confinement.

When the fourth case was brought against Bixler for his conduct while in jail, Bixler entered into a new plea agreement to resolve all four of his cases. The second plea hearing was held on May 29, 2020. In exchange for Bixler's no-contest pleas to the two new charges against him, the State agreed to recommend two years of initial confinement plus two years of extended supervision on each count, to be served concurrently to each other and to the sentences imposed in the other cases. Also as part of the new plea agreement, the State increased its sentencing recommendation on the three prior sexual assault charges to ten to fifteen years of initial confinement followed by seven to eight years of extended supervision, rather than five years of initial confinement, as previously agreed. The sentencing hearing on all charges was held immediately after the second plea hearing. The circuit court sentenced Bixler in all four cases to a total of fourteen years of initial confinement followed by ten years of extended supervision.

The no-merit report addresses whether Bixler's guilty and no-contest pleas were knowingly, intelligently, and voluntarily entered. In order to ensure that a defendant is

knowingly, intelligently, and voluntarily waiving the right to a trial by entering a plea, the circuit court must conduct a colloquy with the defendant to ascertain whether the defendant understands the elements of the crimes to which he or she is pleading guilty or no-contest, the constitutional rights he or she is waiving by entering the plea, and the maximum potential penalties that could be imposed. *See* WIS. STAT. § 971.08; *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906.

At the first plea hearing, the circuit court failed to inform Bixler that he faced deportation as a possible consequence of entering his pleas. At the second plea hearing, the court informed Bixler about potential deportation consequences. The court's failure during the first hearing to inform Bixler that he could face possible deportation as a result of entering his pleas is actionable only if there is a causal nexus between the entry of the pleas and the federal government's likely imposition of adverse immigration action. *See State v. Negrete*, 2012 WI 92, ¶26, 343 Wis. 2d 1, 819 N.W.2d 749. Bixler was born in the United States, and there is no suggestion that he would face adverse immigration action. Beyond this single omission, the court's thorough plea colloquy with Bixler during both plea hearings complied with WIS. STAT. § 971.08 and *Brown*. We therefore conclude that there would be no arguable merit to an appellate challenge to Bixler's guilty and no-contest pleas.

The no-merit report also addresses whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion when sentencing Bixler. The court sentenced Bixler to four years of initial confinement and three years of extended supervision for each of the three sexual assault convictions, to be served consecutively. The court sentenced Bixler to two years of initial confinement and one year of extended supervision for the two

convictions resulting from his criminal texting activity in jail, to be served concurrently to each other but consecutively to the sexual assault sentences. In its sentencing decision, the court focused on the gravity of the offenses, Bixler's character, and the need to protect the public. The court considered appropriate factors in deciding the length of Bixler's sentences and explained its decision in accordance with the framework set forth in *State v. Gallion*, 2004 WI 42, ¶¶39-46, 270 Wis. 2d 535, 678 N.W.2d 197. There would be no arguable merit to an appellate challenge to the sentences.

Our independent review of the records reveals no other issues of arguable merit providing a basis for reversing the judgments of conviction. We therefore affirm the judgments and relieve Attorney Vicki Zick of further representation of Bixler.

IT IS ORDERED that the judgments of the circuit court are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Vicki Zick is relieved of any further representation of Yuval Isadorous Bixler in these matters. *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*