

## OFFICE OF THE CLERK WISCONSIN COURT OF APPEALS

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## DISTRICT II

November 2, 2022

*To*:

Hon. Phillip A. Koss **Brian Patrick Mullins** Circuit Court Judge **Electronic Notice** 

**Electronic Notice** 

Zeke Wiedenfeld Kristina Secord **Electronic Notice** 

Clerk of Circuit Court

Walworth County Courthouse Roberto J. Juarez-Nieves, Jr., #626511

**Electronic Notice** Oakhill Correctional Inst.

P.O. Box 938

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Winn S. Collins Oregon, WI 53575-0938

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

2020AP1235-CRNM State of Wisconsin v. Roberto J. Juarez-Nieves, Jr. (L.C. #2018CF406)

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

Roberto J. Juarez-Nieves, Jr., appeals a judgment of conviction for conspiracy to deliver cocaine in an amount more than five grams but no more than fifteen grams. Appointed appellate counsel has filed a no-merit report pursuant to Wis. STAT. Rule 809.32 (2019-20)<sup>1</sup> and Anders v. California, 386 U.S. 738 (1967). Juarez-Nieves was advised of his right to file a response but has not done so. Upon consideration of the no-merit report and an independent review of the

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

record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Juarez-Nieves entered a guilty plea to the conspiracy to deliver cocaine charge, a Class E felony with a maximum prison term of fifteen years. *See* WIS. STAT. §§ 961.41(1)(cm)2., 961.41(1x), and 939.50(3)(e) (2013-14). The circuit court sentenced Juarez-Nieves to a nine-year prison term consisting of four years of initial confinement and five years of extended supervision.

The no-merit report addresses whether Juarez-Nieves's guilty plea was knowing, intelligent, and voluntary, and whether the circuit court erroneously exercised its discretion at sentencing. We are satisfied that the report properly analyzes each of these issues as having no arguable merit.

Based upon our independent review of the record, we have found no other arguable basis for Juarez-Nieves to pursue further appellate proceedings. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

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Therefore,

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 Brian Patrick Mullins is relieved from further representing Roberto J. Juarez-Nieves, Jr., 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