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**DISTRICT I**

November 1, 2022

To:

Hon. Stephanie Rothstein  
Circuit Court Judge  
Electronic Notice

Angela Conrad Kachelski  
Electronic Notice

George Christenson  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Humberto Santiago 684827  
Jackson Correctional Inst.  
P.O. Box 233  
Black River Falls, WI 54615-0233

Winn S. Collins  
Electronic Notice

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

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2021AP1651-CRNM	State of Wisconsin v. Humberto Santiago (L.C. # 2017CF2577)
2021AP1652-CRNM	State of Wisconsin v. Humberto Santiago (L.C. # 2017CF3992)
2021AP1653-CRNM	State of Wisconsin v. Humberto Santiago (L.C. # 2018CF2131)

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).**

Humberto Santiago appeals judgments convicting him after a jury trial of seven counts of sexual assault of a child. Appointed appellate counsel, Attorney Angela Conrad Kachelski, 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, 744 (1967). Santiago was informed 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

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

mandated by *Anders*, we conclude that there are no issues of arguable merit that Santiago could raise on appeal. Therefore, we summarily affirm. *See* WIS. STAT. RULE 809.21.

Santiago was charged with three counts of first-degree sexual assault of a child involving victim A.M. Two months later, Santiago was charged in a separate case with one count of first-degree sexual assault of a child involving victim R.M. These two cases were joined for trial. Nine months after the second case was brought against Santiago, he was charged in a third case with two counts of first-degree sexual assault of a child involving victim S.S., and he was charged with one count of repeated first-degree sexual assault of a child involving victim D.C. All three cases were then joined for trial. The jury convicted Santiago of all of the charges. The circuit court sentenced Santiago to thirty-seven years of initial confinement and twenty years of extended supervision.

The no-merit report addresses whether there would be any arguably meritorious issues related to two pretrial issues: (1) joinder of the three cases for trial; and (2) the State's *Daubert*<sup>2</sup> challenge to defense expert Dr. David Thompson. The no-merit report also addresses whether there would be any arguably meritorious issues related to various aspects of the jury trial, including voir dire; opening jury instructions and opening statements; the testimony of the State's witnesses; the testimony of Dr. Thompson; Santiago's decision not to testify; jury instructions and closing arguments; the verdict; and the defendant's expressed concern during trial that one of the jurors may have been distracted. We agree with the no-merit report's detailed analysis of these issues and its conclusion that they lack arguable merit.

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<sup>2</sup> *See Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

The no-merit report also addresses whether Santiago’s convictions were supported by the evidence adduced at trial. 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). Each of the four child victims testified in detail about Santiago’s sexual assaults. Based on the testimony of the victims and other witnesses, there was sufficient evidence to find Santiago guilty of the charges. 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 also addresses whether there would be arguable merit to a claim that the circuit court misused its discretion when it sentenced Santiago. The circuit court sentenced Santiago to thirty-seven years of initial confinement and twenty years of extended supervision. The circuit court considered appropriate factors in deciding the length of sentence to impose 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. Therefore, there would be no arguable merit to an appellate challenge to the sentence.

Our independent review of the record also reveals no arguable basis for reversing the judgments of conviction. Therefore, we accept the no-merit report, affirm the judgments of conviction, and relieve Attorney Kachelski of further representation of Santiago.

Upon the foregoing,

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 Angela Conrad Kachelski is relieved of any further representation of Santiago 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*