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**DISTRICT I**

November 22, 2022

To:

Hon. Frederick C. Rosa  
Circuit Court Judge  
Electronic Notice

John D. Flynn  
Electronic Notice

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

Michael S. Holzman  
Electronic Notice

Winn S. Collins  
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Alexander J. Valadez 643854  
Green Bay Correctional Inst.  
P.O. Box 19033  
Green Bay, WI 54307-9033

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

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2020AP1314-CRNM      State of Wisconsin v. Alexander J. Valadez (L.C. # 2018CF849)

Before Brash, C.J., Donald, P.J., and White, 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).**

Attorney Michael S. Holzman, appointed counsel for Alexander J. Valadez, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2019-20)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Valadez was sent a copy of the report and has not filed a response. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. Upon consideration of the no-merit report and an

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

independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Valadez pled guilty to one count each of fleeing or eluding an officer, operating a motor vehicle without the owner's consent, possession of a firearm by an adjudicated delinquent, and possession of cocaine with intent to deliver as a party to a crime. Pursuant to the negotiated plea agreement, other charges were dismissed but read in. The State agreed to recommend a global sentence consisting of eight to ten years of initial confinement and ten years of extended supervision, with the defense free to argue. The circuit court ultimately imposed a global sentence totaling six years and six months of initial confinement and six years of extended supervision.

The no-merit report addresses whether Valadez's pleas were freely, intelligently, and knowingly entered. This court's independent review of the record reveals that the plea colloquy sufficiently complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 255-73, 389 N.W.2d 12 (1986) and WIS. STAT. § 971.08 relating to the nature of the charges, Valadez's understanding of the proceedings and the voluntariness of the plea decision, the penalty ranges and other direct consequences of the pleas, and the constitutional rights being waived. The parties stipulated on the record that the complaint provided a factual basis for the pleas. The record shows no other ground for plea withdrawal. Any challenge to the validity of the pleas would be without arguable merit on appeal.

The no-merit report also addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on discretionary sentencing issues are well-established and need not be repeated here. See *State v. Gallion*, 2004

WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result well within the statutory penalty ranges for each count. Any argument that the circuit court erroneously exercised its sentencing discretion is without arguable merit on appeal.

This court's independent review of the record discloses no other potential issues for appeal.

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

IT IS FURTHER ORDERED that Attorney Michael S. Holzman is relieved of any further representation of Alexander J. Valadez in this matter. *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*