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DISTRICT II

February 15, 2023

To:

Hon. J. Arthur Melvin III
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Michael S. Holzman
Electronic Notice

Antonio C. Velez
515 W. Moreland Blvd
Waukesha County Jail
Waukesha, WI 53188

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

2022AP326-CRNM	State of Wisconsin v. Antonio C. Velez (L.C. #2020CF246)
2022AP327-CRNM	State of Wisconsin v. Antonio C. Velez (L.C. #2020CF986)

Before Gundrum, P.J., Grogan 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).

In these consolidated appeals, Antonio C. Velez appeals judgments of conviction for felony bail jumping contrary to WIS. STAT. § 946.49(1)(b) (2019-20)¹ and misdemeanor battery as an act of domestic abuse contrary to WIS. STAT. § 940.19(1).² Velez's appointed appellate counsel has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v.*

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

² By order dated March 7, 2022, these appeals were consolidated for purposes of briefing and disposition, and appeal No. 2022AP326-CRNM was ordered to be decided by a three-judge panel.

California, 386 U.S. 738 (1967). Velez 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 Record as mandated by *Anders* and RULE 809.32, we conclude there is no arguable merit to any issue that could be raised on appeal. We therefore summarily affirm the judgment. See WIS. STAT. RULE 809.21(1).

Velez was charged in Waukesha County Circuit Court case No. 2020CF246 with substantial battery, disorderly conduct, and intimidation of a victim, all as acts of domestic abuse and all as a domestic abuse repeater. The charges were based on allegations by Velez's pregnant girlfriend that he had struck her repeatedly in the head with closed fists and told her not to call the police. The altercation ended when Velez's brother intervened. Police responded to the hospital, observed the girlfriend's injuries, and took a statement.

Velez was released on a \$1,000 bond subject to GPS monitoring. In June 2020, Wisconsin Community Services notified the circuit court that Velez had failed to make fee payments for his GPS device and had failed to keep the bracelet charged.³ A bench warrant issued, and Velez was charged in Waukesha County Circuit Court case No. 2020CF986 with felony bail jumping.

Velez was ultimately located in the Milwaukee County Jail months later and made an initial appearance via Zoom in case No. 2020CF986, at which time the bail amount was set at \$15,000 for that case and increased to \$16,000 in case No. 2020CF246. At that time, Velez had

³ Velez apparently decided to stop charging his GPS bracelet after he again battered the victim, for which he was charged in Milwaukee County.

appointed counsel in case No. 2020CF246, but he had not yet sought public defender representation in case No. 2020CF986. Velez's appointed counsel appeared as a friend of the court on Velez's behalf in both cases, and filed a bail modification motion in case No. 2020CF246. Velez was subsequently released from the Milwaukee County Jail, but the Milwaukee authorities did not transport him to Waukesha County to address the bail or the warrant there, and he appeared by Zoom at the bail modification hearing. The circuit court declined to modify bail, quash the warrant, or hold a preliminary hearing until Velez appeared in person.

Velez was subsequently arrested and appeared in person before a court commissioner on both files, and the court commissioner informed the parties a bail modification hearing and preliminary hearing would be scheduled before the circuit court. Velez obtained new counsel and ultimately waived the preliminary hearing; his bail modification motion was denied. Following discovery, Velez unsuccessfully sought to dismiss the intimidation-of-a-victim count.

The cases were joined for trial, and the parties litigated evidentiary motions, then resolved the cases by plea agreement. In case No. 2020CF246, Velez agreed to plead no contest to an amended charge of misdemeanor battery as an act of domestic abuse. In case No. 2020CF986, Velez agreed to plead guilty to the bail-jumping charge. The remaining charges were dismissed and read in. The State agreed to recommend a three-year sentence for bail jumping, consisting of eighteen months each of initial confinement and extended supervision, with a concurrent nine-month jail term on the misdemeanor. Following a colloquy, the circuit court accepted the pleas and adjudicated Velez guilty.

At a subsequent sentencing hearing, the circuit court imposed concurrent sentences each consisting of a three-year probationary term. On the bail-jumping conviction, the court imposed and stayed a six-year sentence consisting of three years each of initial confinement and extended supervision. The court imposed and stayed a nine-month sentence on the misdemeanor battery conviction, with eight months of conditional jail time (four months of straight time followed by four months of work release). The Department of Corrections subsequently notified the court that it believed the maximum probation term on the misdemeanor offense was two years, after which the court entered an amended judgment of conviction reflecting that change.

The no-merit report addresses whether there is any nonfrivolous issue that could be raised regarding whether Velez's pleas were knowing, intelligent, and voluntary; whether the circuit court conducted a sufficient plea colloquy; whether there was a sufficient factual basis for his pleas; and whether the court erroneously exercised its sentencing discretion. Our review of the Record satisfies us that the no-merit report correctly concludes any challenge based upon these issues would lack arguable merit. Our review of the Record discloses no other potentially meritorious issues for appeal.

Based on the foregoing,

IT IS ORDERED that the judgments of conviction are summarily affirmed. *See* WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that Attorney Michael S. Holzman is relieved of further responsibility for representing Antonio C. Velez in these appeals. *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