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**DISTRICT I**

May 23, 2023

To:

Hon. Mark A. Sanders  
Circuit Court Judge  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Winn S. Collins  
Electronic Notice

Urszula Tempska  
Electronic Notice

Matthew M. Budnik 681249  
Racine Correctional Inst.  
P.O. Box 900  
Sturtevant, WI 53177-0900

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

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2021AP1893-CRNM      State of Wisconsin v. Matthew M. Budnik (L.C. # 2018CF5138)

Before Brash, C.J., Dugan and White, 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).**

Attorney Urszula Tempska, as appointed counsel for Matthew M. Budnik, filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Budnik with a copy of the report, and both counsel and this court advised him of his right to file a response. Budnik has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

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

Budnik pled guilty to one count of repeated sexual assault of a child and one count of possession of child pornography. The court imposed consecutive sentences totaling thirty years of initial confinement and eighteen years of extended supervision.

The no-merit report addresses whether Budnik's pleas were entered knowingly, voluntarily, and intelligently. The plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charge, the rights Budnik was waiving, and other matters. The record shows no other ground to withdraw his pleas. Further, counsel states that there are no grounds outside the record to withdraw the pleas. There is no arguable merit to this issue.

The no-merit report addresses Budnik's sentences. The sentences are within the legal maximums. As to discretionary issues, the standards for the circuit court and this court 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. There is no arguable merit to this issue.

Our review of the record discloses no other potential issues for appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Tempska is relieved of further representation of Budnik 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*