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DISTRICT III

May 31, 2023

To:

Hon. Patrick F. O'Melia
Circuit Court Judge
Electronic Notice

Brenda Behrle
Clerk of Circuit Court
Oneida County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Michael E. Covey
Electronic Notice

Michael W. Schiek
Electronic Notice

Isaiah A.V. Moren 602617
Stanley Correctional Inst.
100 Corrections Dr.
Stanley, WI 54768

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

2021AP655-CRNM State of Wisconsin v. Isaiah A.V. Moren
(L. C. No. 2018CF212)

Before Stark, P.J., Hruz and Gill, 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).

Counsel for Isaiah Moren has filed a no-merit report concluding that no grounds exist to challenge Moren's convictions for second-degree reckless injury and second-degree sexual assault by use of force, contrary to WIS. STAT. §§ 940.23(2)(a) and 940.225(2)(a) (2021-22),¹ respectively. Moren was informed of his right to file a response to the no-merit report, and he has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could

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

be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

The State charged Moren with first-degree reckless injury; first-degree sexual assault; strangulation and suffocation; aggravated battery; burglary of a dwelling; criminal damage to property; and misdemeanor bail jumping—all seven counts as a repeater. The charges arose from allegations that Moren broke into seventy-six-year old Laura's² home and sexually assaulted her. Laura had severe bruising all over her body, including her face, arms, torso, and legs. Laura, who may suffer from dementia, was unable to identify her assailant. Law enforcement obtained DNA samples from men who lived near or visited Laura's trailer park on the date of the assault. Moren's DNA was found on Laura's shirt, undergarment, and vaginal area. Moren had been released on bond in a different case at the time of the assault.

Pursuant to a plea agreement, Moren entered no-contest pleas to amended counts of second-degree reckless injury and second-degree sexual assault, both without the repeater enhancer. In exchange for his no-contest pleas, the State recommended that the circuit court dismiss and read in the counts for aggravated battery and criminal damage to property, as charged, as well as charges in another case. The State also recommended that the court dismiss outright the remaining charges from this case and the charges in two other cases. With respect to sentencing, the State agreed it would not recommend any sentence greater than that recommended in the presentence investigation report. Out of a maximum total potential sentence of fifty-two and one-half years, the court ultimately imposed consecutive sentences resulting in

² Pursuant to the policy underlying WIS. STAT. RULE 809.86(4), we use a pseudonym instead of the victim's name.

an aggregate thirty-eight-year term, consisting of twenty-five years of initial confinement followed by thirteen years of extended supervision.

The no-merit report addresses whether Moren knowingly, intelligently, and voluntarily entered his no-contest pleas and whether the circuit court properly exercised its sentencing discretion. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that any challenge to Moren's pleas or sentences would lack arguable merit. The no-merit report sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further. Our independent review of the record discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Michael Covey is relieved of his obligation to further represent Isaiah Moren in this matter. *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