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**DISTRICT IV**

July 13, 2023

To:

Hon. Martin J. De Vries  
Circuit Court Judge  
Electronic Notice

Kelly Enright  
Clerk of Circuit Court  
Dodge County Justice Facility  
Electronic Notice

Winn S. Collins  
Electronic Notice

Roberta A. Heckes  
Electronic Notice

Jessie J. Garcia 695277  
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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2022AP266-CRNM      State of Wisconsin v. Jessie J. Garcia (L.C. # 2019CF282)

Before Blanchard, P.J., Kloppenburg, and Nashold, 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 Roberta Heckes, appointed counsel for Jessie Garcia, has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Garcia was sent a copy of the report and has not filed a response. Upon consideration of the report and an independent review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal. Accordingly, we affirm.

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

Garcia was charged with two counts of battery to a law enforcement officer, one count of obstructing an officer causing a soft tissue injury, and one count of operating a motor vehicle with a revoked license. Pursuant to a plea agreement, Garcia pled no contest to the battery and obstructing counts, and the operating while revoked count was dismissed and read in for sentencing purposes. On the battery counts, the circuit court imposed consecutive sentences totaling three years and six months of initial confinement followed by five years of extended supervision. On the obstructing count, the court withheld sentence and imposed three years of probation, consecutive to Garcia's other sentences.

The no-merit report first addresses whether Garcia's no-contest pleas were knowing, intelligent, and voluntary. We agree with counsel that there is no arguable merit to this issue. The circuit court's plea colloquy, including the court's references to the plea questionnaire and waiver of rights form, complied with the requirements of WIS. STAT. § 971.08 and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, relating to the nature of the charges, the constitutional rights that Garcia was waiving, and other matters. Additionally, we agree with counsel's conclusion that the criminal complaint supplied a factual basis for Garcia's no-contest pleas, as stipulated at the plea hearing. We see no other non-frivolous basis for plea withdrawal.

The no-merit report also addresses whether Garcia could challenge the circuit court's exercise of its sentencing discretion. We agree with counsel that there is no arguable merit to this issue. The court considered the required sentencing factors along with other relevant factors, and the court did not rely on any inappropriate factors. See *State v. Gallion*, 2004 WI 42, ¶¶37-49, 270 Wis. 2d 535, 678 N.W.2d 197. We see no other non-frivolous basis upon which Garcia might challenge his sentences.

Finally, the no-merit report addresses whether Garcia could raise a claim for ineffective assistance of trial counsel. We agree with appellate counsel's conclusion that the record does not reveal any arguable basis to support such a claim.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Roberta Heckes is relieved of any further representation of Jessie Garcia 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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*Samuel A. Christensen*  
*Clerk of Court of Appeals*