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DISTRICT II

August 2, 2023

To:

Hon. Paul V. Malloy
Circuit Court Judge
Electronic Notice

Connie Mueller
Clerk of Circuit Court
Ozaukee County Justice Center
Electronic Notice

Adam Y. Gerol
Electronic Notice

Jill Marie Skwor
Electronic Notice

Martin L. Gonzalez
Ozaukee County Jail
P.O. Box 245
Port Washington, WI 53074

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

2023AP522-CRNM State of Wisconsin v. Martin L. Gonzalez (L.C. #2021CM130)

Before Grogan, J.¹

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).

Martin L. Gonzalez appeals from a judgment convicting him of disorderly conduct with a domestic abuse modifier. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). Gonzalez received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the Record, we conclude there are no

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

issues with arguable merit for appeal. We summarily affirm the judgment. *See* WIS. STAT. RULE 809.21.

Gonzalez was convicted following a guilty plea to disorderly conduct with a domestic abuse modifier. The charge stemmed from an altercation with his former roommate. Gonzalez initially entered into a deferred prosecution agreement; however, that agreement was later terminated due to new charges he was facing. The circuit court ultimately sentenced Gonzalez to ninety days of jail time with ninety days of presentence confinement credit, amounting to a time-served sentence.² This was consistent with the defense’s sentence recommendation.

The no-merit report addresses the propriety of the plea and sentence and whether grounds exist to challenge either one. This court is satisfied that the no-merit report correctly analyzes the issues it raises as without merit, and we will not discuss them further.

Our review of the Record discloses no other potential issues for appeal.³ Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to represent Gonzalez further in this appeal.

Upon the foregoing reasons,

² Gonzalez filed a motion to withdraw his plea before sentencing. However, he never litigated it. Thus, we deem the motion abandoned. *See State v. Woods*, 144 Wis. 2d 710, 716, 424 N.W.2d 730 (Ct. App. 1988) (motion made but not pursued is abandoned).

³ We note that Gonzalez’s plea forfeited the right to raise other nonjurisdictional defects and defenses, including claimed violations of constitutional rights. *See State v. Kelty*, 2006 WI 101, ¶18 & n.11, 294 Wis. 2d 62, 716 N.W.2d 886; *see also State v. Lasky*, 2002 WI App 126, ¶11, 254 Wis. 2d 789, 646 N.W.2d 53.

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

IT IS FURTHER ORDERED that Attorney Jill Marie Skwor is relieved of further representation of Martin L. Gonzalez in this appeal. *See* WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals