



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

September 13, 2023

To:

Hon. Daniel Steven Johnson
Circuit Court Judge
Electronic Notice

Kristina Secord
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Jill Marie Skwor
Electronic Notice

Ricardo A. Gonzalez, #539845
Redgranite Correctional Inst.
P.O. Box 925
Redgranite, WI 54970-0925

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

2023AP211-CRNM State of Wisconsin v. Ricardo A. Gonzalez (L.C. #2020CF665)

Before Neubauer, 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).

Counsel for Ricardo A. Gonzalez has filed a no-merit report concluding that no grounds exist to challenge Gonzalez's conviction for operating a motor vehicle while intoxicated (OWI) as an eighth offense contrary to WIS. STAT. § 346.63(1)(a) (2021-22).¹ Gonzalez was informed of his right to file a response to the no-merit report, and he has not responded. Upon our review of the no-merit report and our independent review of the Record as mandated by *Anders v.*

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

California, 386 U.S. 738 (1967), we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm the judgment of conviction. *See* WIS. STAT. RULE 809.21.

An Information charged Gonzalez with OWI and operating with a prohibited alcohol concentration, both as an eighth offense; operating a motor vehicle while revoked; and violating a court order restricting operating privileges by use of an ignition interlock device. A Village of Walworth police officer observed a vehicle, traveling in excess of the posted speed limit, crash into a traffic light pole. When the officer made contact with the driver, identified as Gonzalez, the officer observed signs of impairment from Gonzalez, including bloodshot and glassy eyes, slurred speech, and the odor of intoxicants. Gonzalez also stated: “You guys know I am drunk.”

Gonzalez was arrested, and the officer obtained a search warrant for a sample of Gonzalez’s blood, which produced a blood alcohol concentration of 0.190 grams of alcohol per 100 mL of blood. According to the Complaint, Gonzalez had seven previous convictions that qualified as prior offenses for purposes of the OWI penalty enhancer. The Complaint further noted that Gonzalez’s full operating privileges had not been reinstated following an earlier revocation, and there was no ignition interlock device installed on the vehicle, despite an order requiring its installation.

Pursuant to a plea agreement, Gonzalez pleaded guilty to eighth-offense OWI—which requires a bifurcated sentence with a mandatory minimum confinement term of three years. In exchange for Gonzalez’s guilty plea, the State agreed to recommend that the circuit court dismiss and read in the remaining counts from this case and a traffic forfeiture case. The parties remained free to argue at sentencing. Out of a maximum potential sentence of twelve and

one-half years, the circuit court imposed an eleven-year sentence consisting of six years of initial confinement followed by five years of extended supervision, consecutive to any other sentence Gonzalez was then serving.

The no-merit report addresses whether Gonzalez knowingly, intelligently, and voluntarily entered his guilty plea; whether the circuit court properly exercised its sentencing discretion; and whether there are any grounds to pursue a motion for sentence modification. Upon reviewing the Record, we agree with counsel's description, analysis, and conclusion that none of these issues have 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 of the circuit court is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Jill Marie Skwor is relieved of her obligation to further represent Ricardo A. Gonzalez in this matter. *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