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**DISTRICT I**

May 7, 2024

To:

Hon. Rebecca A. Kiefer  
Circuit Court Judge  
Electronic Notice

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

Douglas C. McIntosh  
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Antara M. Hassel 588665  
Oakhill Correctional Inst.  
P.O. Box 938  
Oregon, WI 53575-0938

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

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2023AP1691-CRNM      State of Wisconsin v. Antara M. Hassel (L.C. # 2020CF678)

Before White, C.J., Donald, P.J., and Geenen, J.

**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).**

Antara M. Hassel appeals from a judgment of conviction entered upon his guilty pleas to two counts of physical abuse of a child—intentional causation of bodily harm. Hassel's appellate counsel, Douglas C. McIntosh, has 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). Hassel received a copy of the report, was advised of his right to file a response, and has responded. Appellate counsel did not file a supplemental no-merit report. We have independently reviewed the record, the no-

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

merit report, and the response, as mandated by *Anders*, and we conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

The State charged Hassel with five crimes—one count of first-degree recklessly endangering safety; one count of strangulation and suffocation; and three counts of physical abuse of a child—intentional causation of bodily harm. According to the criminal complaint, the charges stemmed from acts of abuse Hassel committed towards his young son. Ultimately, Hassel pled guilty to two counts of physical abuse of a child—intentional causation of bodily harm. The remaining charges were dismissed and read in. The circuit court conducted a colloquy with Hassel and accepted his pleas. The circuit court sentenced Hassel to two consecutive six-year terms of imprisonment consisting of three years of initial confinement and three years of extended supervision.

Appellate counsel’s no-merit report addresses two issues: (1) whether the circuit court properly accepted Hassel’s guilty pleas; and (2) whether the circuit court erroneously exercised its sentencing discretion. In his response, Hassel challenges the circuit court’s sentencing decision, stating that the imposition of consecutive sentences was unduly harsh and that the circuit court considered “[s]ome things ... in [the] case report that [are not] accurate” when imposing the sentence.

With regard to Hassel’s guilty pleas, our review of the record—including the plea questionnaire/waiver of rights form, the addendum, and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. These obligations exist

specifically to help ensure the validity of any plea. We thus agree with appellate counsel's conclusion in the no-merit report that there is no arguable merit to seeking plea withdrawal based on a claim that Hassel's pleas were anything other than knowing, intelligent, and voluntary.

With regard to the circuit court's sentencing decision, we note that sentencing is a matter for the circuit court's discretion. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. It must also determine which objective or objectives are of greatest importance. *Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the circuit court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, and it may consider additional factors. *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the circuit court's discretion. *Id.*

Our review of the record confirms that the circuit court appropriately considered the relevant sentencing objectives and factors. The resulting sentences were within the potential maximums authorized by law, see *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and are not so excessive so as to shock the public's sentiment, see *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). Hassel disagrees, stating that the consecutive nature of his sentences renders them unduly harsh because his children will be deprived of their father for six years and because he is not a danger to the community. The circuit court sentenced Hassel to the maximum term of imprisonment. When the maximum consecutive sentences are supported by the record and the circuit court's reasoning, the resulting sentence is not unduly

harsh. See *State v. Peters*, 192 Wis. 2d 674, 698, 534 N.W.2d 867 (Ct. App. 1995). Here, the circuit court thoroughly explained its rationale for the sentence it imposed. The circuit court especially focused on the “vicious” nature of Hassel’s conduct and the trauma inflicted by that conduct. There is no arguable merit to a claim that Hassel’s sentence was unduly harsh.

The record also does not support Hassel’s claim that the circuit court considered inaccurate information when rendering its sentencing decision. A defendant has a due process right to be sentenced based on accurate information. *State v. Tiepelman*, 2006 WI 66, ¶17, 291 Wis. 2d 179, 717 N.W.2d 1. To establish a due process violation at sentencing, the defendant must establish that there was inaccurate information before the sentencing court, and that the circuit court actually relied on this information. *Id.*, ¶2. As stated, the circuit court focused on the nature of Hassel’s conduct and the effect of that conduct on his family. Indeed, the circuit court also considered several mitigating factors, including Hassel’s employment history, letters of support, and Hassel’s participation in parenting and anger management classes. Nothing in the record supports a claim that any of the information considered by the circuit court was inaccurate. There would be no arguable merit to this issue.

Our independent review of the record reveals no other potential issues of arguable merit.

Upon the foregoing therefore,

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

IT IS FURTHER ORDERED that Attorney Douglas C. McIntosh is relieved of further representation of Antara M. Hassel 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*