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DISTRICT II

January 3, 2013

To:

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

2012AP1053-CRNM State of Wisconsin v. William A. Rangel (L.C. # 2009CF276)

Before Brown, C.J., Reilly and Gundrum, JJ.

William A. Rangel appeals from a judgment convicting him of second-degree sexual assault of a child. Rangel's appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2009-10)¹ and *Anders v. California*, 386 U.S. 738 (1967). Rangel received a copy of the report, was advised of his right to file a response, and has elected not to do so. After

¹ All references to the Wisconsin Statutes are to the 2009-10 version.

reviewing the record and counsel's report, we conclude that there are no issues with arguable merit for appeal. Therefore, we summarily affirm the judgment. *See* RULE 809.21.

The no-merit report addresses the following appellate issues: (1) whether Rangel's *Alford*² plea was knowingly, intelligently, and voluntarily entered; and (2) whether the circuit court erroneously exercised its discretion at sentencing.

With respect to the entry of the *Alford* plea, the record shows that the circuit court engaged in a colloquy with Rangel that satisfied the requirements of WIS. STAT. § 971.08(1)(a), *State v. Bangert*, 131 Wis. 2d 246, 266-72, 389 N.W.2d 12 (1986), and *State v. Hampton*, 2004 WI 107, ¶¶33, 38, 274 Wis. 2d 379, 683 N.W.2d 14. In addition, a signed plea questionnaire and waiver of rights form was entered into the record. Finally, the court explained the effect of the *Alford* plea and found strong evidence of Rangel's guilt before accepting it. We agree with counsel that any challenge to the entry of Rangel's *Alford* plea would lack arguable merit.³

With respect to the sentence imposed, the record reveals that the circuit court's sentencing decision had a "rational and explainable basis." *State v. Gallion*, 2004 WI 42, ¶76, 270 Wis. 2d 535, 678 N.W.2d 197 (citation omitted). In imposing its sentence, the court considered the seriousness of the offense, Rangel's character, and the need to protect the public. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Under the circumstances of the case, which were aggravated by the victim's young age and Rangel's relationship to the victim as a family member, the sentence of twenty-five years of imprisonment

² *See North Carolina v. Alford*, 400 U.S. 25 (1970).

³ Rangel did move to withdraw his *Alford* plea prior to sentencing. However, he subsequently withdrew the motion.

does not “shock public sentiment and violate the judgment of reasonable people concerning what is right and proper.” *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975). We agree with counsel that a challenge to Rangel’s sentence would lack arguable merit.

Our independent review of the record does not disclose any potentially meritorious issue for appeal. Because we conclude that there would be no arguable merit to any issue that could be raised on appeal, we accept the no-merit report and relieve Attorney Donna L. Hintze of further representation in this matter.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Donna L. Hintze is relieved of further representation of Rangel in this matter.

Diane M. Fremgen
Clerk of Court of Appeals