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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/IV

April 22, 2013

To:

Hon. Mary Kay Wagner
Circuit Court Judge
Kenosha County Courthouse
912 56th Street
Kenosha, WI 53140

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
912 56th Street
Kenosha, WI 53140

Paul G. Bonneson
Law Offices of Paul G. Bonneson
631 N. Mayfair Rd.
Milwaukee, WI 53226

Gregory M. Weber
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

Robert D. Zapf
District Attorney
Molinaro Bldg.
912 56th Street
Kenosha, WI 53140-3747

Joseph N. Ehmman
First Asst. State Public Defender
P.O. Box 7862
Madison, WI 53707-7862

Pedro Lopez-Rodriguez 561371
Dodge Corr. Inst.
P.O. Box 700
Waupun, WI 53963-0700

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

2011AP1723-CRNM State of Wisconsin v. Pedro Lopez-Rodriguez (L.C. #2007CF941)

Before Lundsten, P.J., Higginbotham and Sherman, JJ.

Attorney Paul Bonneson, appointed counsel for Pedro Lopez-Rodriguez, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2011-12)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Lopez-Rodriguez with a copy of the report, and both counsel and

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

this court advised him of his right to file a response. Lopez-Rodriguez has not responded. We conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. After our independent review of the record, we conclude there is no arguable merit to any issue that could be raised on appeal.

Lopez-Rodriguez was convicted of one count of first-degree sexual assault of a child. The court imposed a sentence of fifteen years of initial confinement and twenty years of extended supervision.

The no-merit report addresses whether the evidence was sufficient to support the verdict. We affirm the verdict unless the evidence, viewed most favorably to the State and the conviction, is so insufficient in probative value and force that no reasonable trier of fact could have found guilt beyond a reasonable doubt. *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Given that standard, and without attempting to describe the evidence in detail here, we conclude it would be frivolous to argue that the evidence was insufficient. The testimony of the victim, combined with the testimony of others, was not inherently incredible and, if believed, was sufficient to support the elements of the crime.

The no-merit report addresses whether the court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on sentencing issues are well-established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors such as Lopez-Rodriguez's continued denial of the offense, the unlikelihood of successful treatment, the effect on the victim, the need to protect the public, and other factors. The court did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Bonneson is relieved of further representation of Lopez-Rodriguez in this matter. *See* WIS. STAT. RULE 809.32(3).

Diane M. Fremgen
Clerk of Court of Appeals