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DISTRICT III

January 21, 2026

To:

Hon. Maureen D. Boyle
Circuit Court Judge
Electronic Notice

Sharon Millermon
Clerk of Circuit Court
Barron County Justice Center
Electronic Notice

John Blimling
Electronic Notice

Dennis Schertz
Electronic Notice

Ricardo Antonio Dominguez 736429
Stanley Correctional Institution
100 Corrections Dr.
Stanley, WI 54768

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

2025AP1488-CRNM State of Wisconsin v. Ricardo Antonio Dominguez
(L. C. No. 2024CF15)

Before Stark, P.J., Hruz, and Gill, 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 Antonio Dominguez has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24),¹ concluding that no grounds exist to challenge Dominguez's conviction for one count of armed robbery (increased penalty for elder person victim), as a party to a crime. Dominguez was informed of his right to file a response to the no-merit report, but he has not responded. Upon our independent review of the record as mandated by *Anders v.*

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

California, 386 U.S. 738 (1967), we conclude that 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.

The State charged Dominguez with five counts, each as a party to a crime: (1) armed robbery (increased penalty for elder person victim); (2) armed burglary (increased penalty for elder person victim); (3) physical abuse of an elder person—intentionally cause bodily harm (with use of a dangerous weapon); (4) false imprisonment (increased penalty for elder person victim) (with use of a dangerous weapon); and (5) theft of moveable property (amount greater than \$10,000 but not exceeding \$100,000) (increased penalty for elder person victim) (with use of a dangerous weapon). The complaint alleged that Dominguez and another man entered the home of the victim, a 70-year-old man, while armed with handguns. They demanded money, tied the victim’s hands and feet with zip ties and rope, and then pushed the victim to the floor. The two men subsequently forced the victim to open a safe, from which they stole between \$13,000 and \$14,000 in cash, a handgun, jewelry, a pocket watch, and a weather station. At some point, one of the men “used a taser or some type of stun gun and tasered [the victim] in the face.” The two men ultimately left the victim’s residence after also taking his wallet and cell phone.

Dominguez’s initial appearance was adjourned on multiple occasions—initially because Dominguez informed the circuit court that he intended to retain private counsel, and later because the Office of the State Public Defender (SPD) had difficulty finding an attorney to represent Dominguez. Prior to the appointment of counsel, Dominguez filed a pro se motion to dismiss the charges against him, arguing that the court lost both personal and subject matter jurisdiction when it failed to timely hold his preliminary hearing. At a subsequent hearing, the

court declined to address Dominguez's pro se motion after confirming that Dominguez wanted to be represented by counsel and did not wish to represent himself.

An attorney was later appointed to represent Dominguez, and she asked the circuit court to address Dominguez's motion to dismiss. The court then denied the motion, finding that there was no unreasonable delay in Dominguez's case, given the efforts by both Dominguez and the SPD to locate counsel for Dominguez.

Dominguez ultimately entered a guilty plea to the armed robbery charge, pursuant to a plea agreement. In exchange for Dominguez's plea, the remaining charges were dismissed and read in, the parties jointly requested a presentence investigation report, and the State agreed to cap its sentence recommendation at seven years' initial confinement followed by eight years' extended supervision.

Following a plea colloquy, supplemented by a plea questionnaire and waiver of rights form, the circuit court accepted Dominguez's guilty plea, finding that it was freely, knowingly, and voluntarily entered. The court further found that there was an adequate factual basis for the plea, based on Dominguez's admissions that he had committed each of the elements of the armed robbery charge and his attorney's agreement that those admissions, along with additional facts set forth in the criminal complaint, provided an adequate factual basis for the plea.

At Dominguez's sentencing hearing, consistent with the plea agreement, the State recommended a sentence of seven years' initial confinement followed by eight years' extended supervision. Dominguez joined in that recommendation. After considering Dominguez's character, the seriousness of the offense, and the need to protect the public, the circuit court imposed a sentence consisting of twelve years' initial confinement followed by eight years'

extended supervision, concurrent with Dominguez's sentence in a Minnesota case. The parties agreed that Dominguez was entitled to 268 days of sentence credit, and the court granted him credit in that amount. The court also ordered Dominguez to pay the victim \$16,258 in restitution, joint and several with another individual who was convicted in connection with the same incident.

The no-merit report addresses whether any issues of arguable merit exist regarding: (1) the validity of Dominguez's guilty plea; (2) the circuit court's exercise of sentencing discretion; and (3) the effectiveness of Dominguez's trial attorney. Upon reviewing the record, we agree with counsel's description, analysis, and conclusion that none of these issues has arguable merit, and we therefore do not address them further.

The no-merit report also addresses the circuit court's denial of Dominguez's motion to dismiss the charges against him for lack of personal and subject matter jurisdiction. We agree with appellate counsel that this issue lacks arguable merit, although our reasoning differs slightly from that set forth in the no-merit report. Namely, we note that "the failure to hold a preliminary hearing within the prescribed time results in a loss of personal jurisdiction," not subject matter jurisdiction. See *State v. Lee*, 2021 WI App 12, ¶61, 396 Wis. 2d 136, 955 N.W.2d 424. Thus, there would be no merit to a claim that the circuit court erred by denying Dominguez's motion to dismiss for lack of subject matter jurisdiction. We further note that by entering a valid guilty plea, Dominguez forfeited any argument regarding the court's denial of his motion to dismiss for lack of personal jurisdiction. See *State v. Asmus*, 2010 WI App 48, ¶¶4, 6, 324 Wis. 2d 427, 782 N.W.2d 435.

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney Dennis Schertz is relieved of further representation of Ricardo Antonio Dominguez 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