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DISTRICT I

February 17, 2026

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

2024AP2308-CR

State of Wisconsin v. Ricardo Moguel-Rosales
(L.C. # 2019CF1964)

Before White, C.J., Colón, P.J., and Donald, 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).

Ricardo Moguel-Rosales appeals from his judgment of conviction and the order denying his postconviction motion. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).¹ We summarily affirm.

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

In May 2019, Moguel-Rosales was charged with several counts relating to the human trafficking of Danielle and Beth.² Danielle told police that she met Moguel-Rosales in July 2013, when she was living in Green Bay but regularly traveling to Milwaukee. She said that he provided her with drugs, using them to control her, and that she became addicted to heroin. He was also physically abusive.

Danielle moved in with Moguel-Rosales in the spring of 2016 when she relocated to Milwaukee. He suggested that she have sex for money with other men to pay for her drug habit. Danielle said this occurred approximately six to eight times per week, involving penis to mouth, penis to vagina, or penis to anus sexual intercourse. She said that Moguel-Rosales set up the encounters, and that he kept all of the money. Danielle said that if she refused to cooperate, Moguel-Rosales would beat her or withhold drugs from her.

Danielle stated that Moguel-Rosales kept her confined to the basement at his residence. She was forced to use a bucket to go to the bathroom. She tried to leave, but he found her and beat her. He then took her clothes so that she had nothing but a housecoat to wear. He also forced her to have sex with him, threatening her with a gun.

Danielle convinced Moguel-Rosales to allow her to attend a suboxone clinic in April 2018 for drug treatments. Once she was “clean,” she was able to escape from him in June 2018.

Danielle stayed with her friend Irene after leaving Moguel-Rosales. Irene knew Moguel-Rosales, and told him that he was not allowed near her house. However, while Danielle was

² We use the same pseudonyms for the victims as the parties used in their briefs. *See* WIS. STAT. RULE 809.86(4).

staying with Irene, Irene's vehicle started on fire, also damaging her garage. Danielle said the fire was not immediately reported to police because they thought it was caused by an electrical issue.

Danielle also told police about an incident that occurred when she was staying with her friend Linda. Danielle was getting on a city bus when she felt someone grab the shoulder strap of her tank top. It was Moguel-Rosales, who demanded that Danielle get off the bus and go with him. Danielle refused, and Moguel-Rosales was ordered off the bus. The incident was captured by the bus's surveillance camera.

When Danielle exited the bus at a Cricket store, she saw that Moguel-Rosales had followed the bus in his van. Moguel-Rosales threatened Danielle with a box cutter and again demanded that she go with him, yelling "you're not going to leave me like that." Police officers spoke with a security officer and a clerk from the Cricket store who both witnessed the altercation.

Danielle pretended to call 911, but actually called Linda to pick her up. Danielle then began seeing Moguel-Rosales in his van and other vehicles outside of Linda's house, monitoring Danielle's movements. Danielle obtained a domestic abuse injunction against Moguel-Rosales, which was issued on August 2, 2018.

The day after Moguel-Rosales was served with a copy of the injunction, he made contact with Danielle at a gas station. Danielle reported the incident to police, who obtained surveillance video of the incident from the gas station. Moguel-Rosales was charged with a misdemeanor for violating the injunction.

Moguel-Rosales continued to contact Danielle by phone and text. He also approached her one day when she was leaving the treatment clinic; she was getting in a cab when Moguel-Rosales pulled up next to her and said “I am never going to let you go, you’re mine” before driving away. Police confirmed this exchange with the cab driver, who witnessed the incident.

Danielle also observed Moguel-Rosales sitting in a parked car outside of her residence and looking in her windows. One evening, when Danielle’s friend Jennifer was over, Moguel-Rosales knocked on the door of Danielle’s residence and attempted to enter. Danielle called the police, who found bags of food and soda and a bouquet of roses inside the screen door.

Danielle also occasionally stayed at Jennifer’s house. Danielle told police that two of Jennifer’s vehicles caught fire in separate incidents; the first fire occurred after Jennifer’s boyfriend had helped Danielle install a Fire Stick in her television, and the second occurred on a night that Danielle was staying with Jennifer.

The other human trafficking victim, Beth, was also a friend of Danielle. Beth told police that on April 29, 2019, she was at Danielle’s residence and observed Moguel-Rosales sitting in a vehicle parked in front of the house. Out of concern, Beth had her son stay the night at Danielle’s residence. During the night, Beth called her son saying her minivan had caught fire and was destroyed.

Police detectives interviewed Beth and Danielle the following day. Beth told detectives that she knew Moguel-Rosales because she had also been trafficked by him for several years. Beth stated that she had met Moguel-Rosales through Danielle. She said that he kept most of the money she made through prostitution, and threatened her and her children to keep her from quitting. She also said that he choked her one time when he was angry that she had kept the

money from a prostitution “date.” Eventually Beth was able to get away from Moguel-Rosales, but had moved ten times since then in an effort to keep him from finding her.

When the detectives left Danielle’s residence after that interview, they observed a man in a van matching the description given by the victims, traveling toward the residence. The man smiled at the detectives as he drove by them; they attempted to follow him but were not able to catch up to him.

Danielle and Beth obtained new housing in the hope that Moguel-Rosales would not be able to find them before the police located him. However, they observed Moguel-Rosales in a van while they were packing. Later that day, a man came to their new residence saying he was given their new address and asked to “drop off some property.” They asked him who he was, but he just smiled and left. They then observed him getting into a vehicle belonging to Moguel-Rosales.

Police set up surveillance at Moguel-Rosales’s residence and the new residence of Danielle and Beth. Officers observed him leave his residence and circle the block at the new residence of Danielle and Beth. He was arrested at a nearby gas station. He was charged with human trafficking, stalking, second-degree sexual assault, and false imprisonment as to Danielle, and human trafficking and strangulation as to Beth.

The matter proceeded to a jury trial in November 2020. Both Danielle and Beth testified regarding their experiences with Moguel-Rosales, including references to the vehicle fires which they suspected were set by him.

The detectives who interviewed Danielle and Beth, Detective Heather Stuetzgen and Detective Gerardo Orozco, also testified. Both detectives testified that during Danielle's interview that she was "physically scared"—crying, shaking "uncontrollably," her lips trembling, and that she repeatedly vomited. Detective Stuetzgen described seeing Moguel-Rosales in a van outside of Danielle's residence after the interview, and trying to follow him. Detective Stuetzgen also testified that in a search of Moguel-Rosales's residence after his arrest, officers discovered a handgun and ammunition, as well as several five-gallon buckets matching the description of those Danielle said she was forced to use as a toilet.

Detective Orozco testified that over 2,000 pages of text messages were retrieved from Moguel-Rosales's phone of exchanges between he and Danielle, including many after the injunction was in place. In some messages Moguel-Rosales told Danielle he wanted her back, while in other messages he was angry and hurling obscenities. The detective noted that there were initially some messages where Danielle accepted his overtures, but later she told him that she did not want to be his girlfriend, that she was not doing drugs anymore, that she was in a relationship with someone else, and that she was going to call the police if he kept contacting her.

Other witnesses for the State included the clerk and security officer from the Cricket store where Moguel-Rosales had threatened Danielle, and the police officer who reviewed the gas station surveillance video where Moguel-Rosales approached Danielle. For the defense, Moguel-Rosales's mother and sister testified that Danielle was living with him willingly, was able to move about the house, and was able to come and go from the residence.

The jury found Moguel-Rosales guilty of the human trafficking with regard to both Danielle and Beth; stalking, second-degree sexual assault, and false imprisonment with domestic abuse assessments as to Danielle; and six misdemeanor counts for violations of the domestic abuse injunction and bail jumping.³ The circuit court imposed sentences totaling over 30 years of initial confinement and over 20 years of extended supervision.

Moguel-Rosales filed a postconviction motion alleging ineffective assistance of counsel. He argued that his trial counsel should have filed a pretrial motion seeking to preclude the State from referencing the vehicle fires, and that counsel was ineffective for failing to object to the testimony during the trial where the fires were referenced, since he was never charged with setting them. Moguel-Rosales further asserted that counsel was ineffective for failing to object to alleged hearsay statements during the testimony of Danielle, Beth, and the detectives who interviewed them.

The circuit court rejected these arguments. It stated that the evidence regarding the fires was both relevant and admissible for purposes of proving the human trafficking and stalking charges. Therefore, it found that a pretrial motion precluding this evidence would have been denied, and any objections to this testimony would have been overruled.

The circuit court further addressed each allegation of hearsay, and found that each was admissible under an exception to the hearsay rule. Nevertheless, the court did not reach the question of whether counsel was deficient in his performance, instead finding that based on the

³ The strangulation charge as to Beth was dismissed by the State during the trial after Beth's testimony indicated that the incident had occurred in Green Bay, not Milwaukee.

totality of the evidence, the outcome was not undermined by any of the alleged errors. It therefore denied Moguel-Rosales's postconviction motion. This appeal follows.

Our analysis of an ineffective assistance of counsel claim involves the familiar two-pronged test: the defendant must show that his trial counsel's performance was deficient and that the deficiency prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). "The ultimate determination of whether counsel's performance was deficient and prejudicial to the defense are questions of law" which this court reviews independently. *State v. Johnson*, 153 Wis. 2d 121, 128, 449 N.W.2d 845 (1990).

To prove that counsel was constitutionally deficient, the defendant "must show that counsel's representation fell below an objective standard of reasonableness." *Strickland*, 466 U.S. at 687-88. To prove prejudice, the defendant must establish "that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.* at 694. The court need not address both prongs of the test if the defendant "cannot make a sufficient showing" on one. *State v. Mayo*, 2007 WI 78, ¶61, 301 Wis. 2d 642, 734 N.W.2d 115.

In fact, "[i]f it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice ... that course should be followed." *Strickland*, 466 U.S. at 697. We conclude that is the course to follow here. Moguel-Rosales has not demonstrated that he was prejudiced by any alleged deficiencies in counsel's performance based on the plethora of other evidence against him.

We first address Moguel-Rosales's argument that his trial counsel was ineffective for failing to file a pretrial motion to preclude evidence of the vehicle fires and object to testimony referencing them. The circuit court determined this evidence was admissible as it related to the human trafficking and stalking charges, and while that may be the case, we observe that there was also an abundance of unchallenged testimony which supported those charges. For example, Danielle and Beth both testified regarding their experiences with Moguel-Rosales, which were the basis of the charges against him. Additionally, the jury heard evidence regarding Moguel-Rosales's threatening conduct toward Danielle from the clerk and security officer at the Cricket store, and from the police officer who reviewed the surveillance video from the gas station after the incident where Moguel-Rosales approached Danielle right after the domestic abuse injunction was issued. Furthermore, the interviewing detectives testified about seeing Moguel-Rosales outside of Danielle's home after the interview and about the gun and five-gallon buckets discovered during a search of his residence, as well as noting Danielle's fearfulness during the interview. Given this other unchallenged evidence, Moguel-Rosales has not shown there is a reasonable probability of a different outcome had the vehicle fires not been referenced. *See id.* at 694. His ineffective assistance claim therefore fails. *See Mayo*, 301 Wis. 2d 642, ¶61.

We next address the argument that counsel was ineffective for failing to object to the alleged hearsay statements made by Danielle and Beth during their testimony. Several of those statements related to the vehicle fires; however, as just stated above, we have concluded that evidence did not sufficiently establish prejudice. Other statements challenged by Moguel-Rosales as hearsay involved comments Danielle and Beth made to each other regarding their experiences with Moguel-Rosales, which he asserts bolstered each of their credibility. However, the majority of the testimony from both Danielle and Beth related to their own personal

experiences with Moguel-Rosales, and they were subject to cross-examination. Thus, the jury was able to determine their credibility based on that testimony. Although Moguel-Rosales argues that Danielle’s credibility in particular is questionable considering the testimony of his mother and sister, it is for the jury to determine “which evidence is credible and which is not, and how conflicts in the evidence are to be resolved.” *State v. Pankow*, 144 Wis. 2d 23, 30-31, 422 N.W.2d 913 (Ct. App. 1988).

The same analysis applies to the testimony of the detectives that Moguel-Rosales challenges as hearsay. He claims that his trial counsel was ineffective for failing to object to testimony by the detectives in which they relayed statements Danielle had made to them, including “lengthy narrative testimony” of the interview by one of the detectives. However, much of this information was also provided by Danielle in her testimony, when she was subject to cross-examination.

The circuit court noted in its decision denying the postconviction motion that “neither Danielle nor Beth provided particularly clear or succinct testimony.” Furthermore, counsel emphasized in his closing that “there were discrepancies in the testimony regarding the timeline of events, and inconsistencies in much of Danielle’s testimony, in particular.” In fact, Danielle admitted to being confused at times about dates during her testimony. Nevertheless, as the circuit court pointed out, the outcome in this trial “came down to credibility.” Again, this was for the jury to determine, *see Pankow*, 144 Wis. 2d at 30-31, and it returned guilty verdicts on all counts.

For these reasons, we conclude that Moguel-Rosales has not demonstrated that he was prejudiced by any purported deficiencies relating to a failure to object to alleged hearsay

statements by the witnesses. See *Strickland*, 466 U.S. at 694. Therefore, this ineffective assistance claim also fails. See *Mayo*, 301 Wis. 2d 642, ¶61.

Finally, Moguel-Rosales argues that he is entitled to a new trial in the interests of justice. “We may grant a new trial in the interest of justice when it appears from the record that the real controversy has not been fully tried.” *State v. Williams*, 2006 WI App 212, ¶36, 296 Wis. 2d 834, 723 N.W.2d 719. However, because this reversal power is “formidable,” we utilize it “sparingly and with great caution.” *Id.*

As discussed above, we have rejected Moguel-Rosales’s claims, and we find nothing in the record that would support discretionary reversal. We therefore decline his request for a new trial.

Accordingly, we affirm Moguel-Rosales’s judgment of conviction and the order denying his postconviction motion.

For all the foregoing reasons,

IT IS ORDERED that the judgment and order are summarily affirmed. See WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals