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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 I

April 21, 2026

To:

Hon. Jean M. Kies
Circuit Court Judge
Electronic Notice

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

John Blimling
Electronic Notice

George Tauscheck
Electronic Notice

Josue Moreno 620325
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2025AP768-CRNM State of Wisconsin v. Josue Moreno (L.C. # 2023CF4042)

Before Colón, P.J., Geenen, and Petrashek, 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).

Josue Moreno appeals a judgment convicting him of one count of second-degree sexual assault of a child under the age of 16. Appellate counsel, George Tauscheck, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ Moreno received a copy of the report, was advised of his right to file a response, and has not responded. We have independently reviewed the record and the no-merit report as

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

mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm. *See* WIS. STAT. RULE 809.21.

The State charged Moreno with one count of second-degree sexual assault of a child under the age of 16 as a persistent repeater and one count of criminal damage to property. The complaint alleged that in August 2023, Moreno had sexually assaulted K.C., the 15-year-old daughter of his then-girlfriend. The complaint also alleged that Moreno was a lifetime sex offender registrant and on parole at the time of the assault. When K.C.'s mother confronted Moreno about the assault, Moreno cut off his GPS bracelet. Moreno ultimately admitted to police that he sexually assaulted K.C. and cut his GPS bracelet.

Moreno pled guilty to second-degree sexual assault of a child under the age of 16. The penalty enhancer and remaining charge were dismissed and read in. The circuit court conducted a colloquy with Moreno and accepted his plea. The court sentenced Moreno to 18 years of initial confinement and seven years of extended supervision, concurrent to any other sentence.

Appellate counsel's no-merit report addresses two issues: (1) whether Moreno's plea was knowing, intelligent, and voluntary; and (2) whether the circuit court properly exercised its sentencing discretion.

With regard to Moreno's guilty plea, 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 Moreno's plea was 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 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 court's discretion. *Id.*

Our review of the record confirms that the court appropriately considered the relevant sentencing objectives and factors. The court specifically focused on the gravity of the offense, noting the effects of Moreno's conduct on the victim. The resulting sentence was within the potential maximum authorized by law, *see State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is 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).

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

Therefore,

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

IT IS FURTHER ORDERED that Attorney George Tauscheck is relieved of further representation of Josue Moreno 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