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DISTRICT II

April 29, 2026

To:

Hon. Phillip A. Koss
Circuit Court Judge
Electronic Notice

Michele Jacobs
Clerk of Circuit Court
Walworth County Courthouse
Electronic Notice

Christopher P. August
Electronic Notice

John Blimling
Electronic Notice

Ryan Barrera #545453
New Lisbon Correctional Inst.
P.O. Box 2000
New Lisbon, WI 53950-2000

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

2024AP1245-CRNM State of Wisconsin v. Ryan Barrera (L.C.#2020CF607)

Before Neubauer, P.J., Grogan, and Lazar, 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).

Ryan Barrera appeals from a judgment of conviction entered on his guilty plea to one count of first-degree sexual assault of a child under the age of 13. He also appeals from a circuit court order denying, in part, his postconviction motion. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24),[1] and ***Anders v. California***, 386 U.S. 738 (1967). Barrera received a copy of the report, was advised of his right to file a response, and he has not done so. Upon consideration of the report and an independent review of the record, we

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

conclude there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

Barrera was charged with three counts of first-degree child sexual assault of a child under age 13, contrary to WIS. STAT. § 948.02(1)(e). According to the criminal complaint, seven-year-old K.D.H. disclosed that she had been sexually assaulted on several occasions by her then-stepfather, Barrera, when K.D.H.'s mother was not at home. Pursuant to an agreement with the State, Barrera entered a guilty plea to one of the three counts set forth above. The circuit court accepted the plea and found Barrera guilty of the sole count. The two remaining counts were dismissed and read in. The court ordered a presentence investigation (PSI) and held a sentencing hearing after the PSI was completed. The court sentenced Barrera to 40 years of imprisonment—20 years of initial confinement and 20 years of extended supervision. This no-merit appeal follows.

We agree with appellate counsel's thorough analysis of the facts and legal principles pertinent to this appeal and conclude that there would be no arguable basis on which an appeal of Barrera's conviction or sentence could rest. First, we see no arguable basis for plea withdrawal. In order to withdraw a plea after sentencing, a defendant either must show that the plea colloquy was defective in a manner that resulted in the defendant entering an unknowing plea or demonstrate some other manifest injustice such as coercion, lack of a factual basis to support the charge, ineffective assistance of counsel, or failure by the prosecutor to fulfill the plea agreement. ***State v. Bangert***, 131 Wis. 2d 246, 262, 272-79 & n.6, 389 N.W.2d 12 (1986); ***State v. Krieger***, 163 Wis. 2d 241, 249-51 & n.6, 471 N.W.2d 599 (Ct. App. 1991). There is no evidence of any such defect here.

At the plea hearing, the circuit court conducted a standard plea colloquy, inquiring into Barrera's ability to understand the proceedings, the voluntariness of his plea decision, his understanding of the nature of the charge, the penalty range and other direct consequences of the plea, and the constitutional rights being waived. *See* ***State v. Hoppe***, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794; ***Bangert***, 131 Wis. 2d at 266-72. The court ensured that Barrera understood it would not be bound by any sentencing recommendations. In addition, Barrera provided the court with a written plea questionnaire. Barrera signed the form and told the court he understood the information it explained; he is not now claiming otherwise. *See* ***State v. Moederndorfer***, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987).

The report also states there would be no arguable merit to a claim that there was an insufficient factual basis on which to convict Barrera of the offense charged. Barrera's counsel stated during the colloquy that there was a factual basis for the plea, and nothing in the record or the no-merit report leads us to conclude otherwise. In addition, Barrera indicated satisfaction with his attorney, and nothing in our review of the record would support a claim of ineffective assistance of trial counsel. Barrera has not alleged any other facts that would give rise to a manifest injustice. Therefore, the plea was valid and operated to waive all nonjurisdictional defects and defenses, aside from any suppression ruling.[2] *See* ***State v. Kelty***, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing its sentence, the court explicitly considered the seriousness of the offense, Barrera's character, and the need to protect the public. *See* ***State v. Gallion***, 2004

[2] The record does not show that Barrera filed any suppression motions.

WI 42, ¶¶27, 40-44, 270 Wis. 2d 535, 678 N.W.2d 197. Barrera had the opportunity to correct errors in the PSI through counsel, and he was permitted to address the court directly, which he did.

Conviction for first-degree sexual assault of a child carries a maximum sentence of 60 years of imprisonment, s*ee* WIS. STAT. §§ 948.02(1)(e) (classifying sexual assault of a child under 13 as a Class B felony), 939.50(3)(b) (providing maximum penalties for a Class B felony). The circuit court imposed a sentence of 20 years of initial confinement followed by 20 years of extended supervision. Under these circumstances, it cannot reasonably be argued that Barrera's sentence is so excessive as to shock public sentiment. *See* ***Ocanas v. State***, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Finally, the no-merit report addresses whether there would be arguable merit to a challenge to the circuit court's denial of Barrera's postconviction motion seeking a waiver of service of process fees. At the postconviction hearing, the parties agreed that the court had the discretionary authority to impose or waive these costs. However, the court, in its discretion, determined that it was more appropriate for Barrera to bear these costs instead of requiring taxpayers to cover them. We agree with counsel that there would be no arguable merit to a challenge to the court's postconviction order.

Upon our independent review of the record, we see no other arguable basis for reversing the judgment of conviction. *See* ***State v. Allen***, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of ***Anders*** and WIS. STAT. RULE 809.32.

Accordingly,

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

IT IS FURTHER ORDERED that Attorney Christopher P. August is relieved from further representing Ryan Barrera in this appeal. *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