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DISTRICT III

May 19, 2026

To:

Hon. Beverly Wickstrom
Circuit Court Judge
Electronic Notice

Lori Gorseger
Clerk of Circuit Court
Rusk County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Dennis Schertz
Electronic Notice

Rita D. Hryniewiecki 656712
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Fond du Lac, WI 54936-3100

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

2024AP2258-CRNM State of Wisconsin v. Rita D. Hryniewiecki
2024AP2259-CRNM (L. C. Nos. 2021CF100, 2023CF54)

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).

Rita Hryniewiecki appeals from judgments convicting her, upon her no-contest pleas, of conspiracy to deliver more than 50 grams of methamphetamine, as a repeat offender, and felony bail jumping. Attorney Dennis Schertz has filed a no-merit report seeking to withdraw as Hryniewiecki's appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24).¹ The no-merit report

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

sets forth the procedural history of the cases and addresses a denied suppression motion,² Hryniewiecki's pleas, her sentences, and her trial counsel's performance. Hryniewiecki was informed of her right to respond to the no-merit report, but she has not filed a response. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that there are no arguably meritorious issues for appeal. Counsel therefore shall be allowed to withdraw, and the judgments of conviction will be summarily affirmed. *See* WIS. STAT. RULE 809.21.

The State charged Hryniewiecki in Rusk County Case No. 2021CF100 with a second or subsequent offense of conspiracy to deliver more than 50 grams of methamphetamine, as a repeat offender. The charge arose from a police investigation into a large-scale narcotics operation that involved surveillance, a controlled drug buy, statements to police from multiple co-conspirators including Hryniewiecki, and evidence recovered from multiple search warrants. The complaint alleged that Hryniewiecki was one of the two "main distributors" in the operation.

While the drug case was pending, the State also charged Hryniewiecki with felony bail jumping, as a repeat offender, in Rusk County Case No. 2023CF54. That charge was based upon an allegation that Hryniewiecki had violated the terms of her bond with a positive drug test.

Hryniewiecki filed a suppression motion seeking to exclude the entirety of the statement she had made to law enforcement officers in the drug case. She alleged that her statement was involuntary because she had been under the influence of narcotics at the time of her questioning.

² WISCONSIN STAT. § 971.31(10) authorizes appellate review of a suppression ruling following a guilty or no-contest plea.

The circuit court held a suppression hearing, at which one of the law enforcement officers who interviewed Hryniewiecki was the sole witness and a recording and a transcript of the interview were introduced. Following the hearing, the court made factual findings that Hryniewiecki had been under surveillance for “a fair amount of time” prior to her arrest and that law enforcement officers had not observed any ingestion of drugs or signs of impairment either prior to her arrest or during her interview. The court next described the circumstances of the interrogation, which it characterized as “cordial,” and it found that there was “nothing overbearing or improper” in the conduct of the law enforcement officers. Accordingly, the court denied the suppression motion.

Hryniewiecki thereafter agreed to plead no contest to the charges in both cases in exchange for the dismissal as a read in of the “second or subsequent” designation on the methamphetamine count, the dismissal of the repeater allegation on the bail jumping count, and the State’s agreement to cap its sentence recommendation at twelve years’ initial confinement. The circuit court accepted Hryniewiecki’s pleas after conducting a plea colloquy, reviewing her signed plea questionnaire with attached jury instructions, and ascertaining that there was a factual basis to support the pleas.

The circuit court ordered a presentence investigation report, and the defense also submitted a sentencing memorandum. The court subsequently held a sentencing hearing, at which it heard from both counsel and Hryniewiecki personally. The court discussed how factors such as the severity of the offenses and various aspects of Hryniewiecki’s character and criminal history related to its primary sentencing objectives of protecting the public and rehabilitating Hryniewiecki. The court sentenced Hryniewiecki to nine years’ initial confinement followed by

ten years' extended supervision on the methamphetamine count, followed by a consecutive term of three years' probation on the bail jumping count.

Upon reviewing the record, we agree with counsel's conclusion that Hryniewiecki has no arguably meritorious basis to challenge the suppression ruling, her pleas, her sentence and term of probation, or trial counsel's performance. The suppression ruling applied the proper standard of law to the facts adduced at the suppression hearing. *See generally State ex rel. Goodchild v. Burke*, 27 Wis. 2d 244, 133 N.W.2d 753 (1965) (requiring that involuntary confessions be suppressed); *see also State v. Jerrell C.J.*, 2005 WI 105, ¶18, 283 Wis. 2d 145, 699 N.W.2d 110 (discussing the standard for voluntariness). The circuit court conducted an adequate plea colloquy, and Hryniewiecki does not assert that she misunderstood the charges or her rights. *See generally* WIS. STAT. § 971.08(1)(a); *State v. Bangert*, 131 Wis. 2d 246, 389 N.W.2d 12 (1986) (discussing the requirements for plea colloquies and plea withdrawals).

The components of the sentence on the methamphetamine count and the term of probation on the bail jumping count were within the maximum available penalties. *See* WIS. STAT. §§ 961.41(1)(e)4. (classifying the delivery of more than 50 grams of methamphetamine as a Class C felony); 973.01(2)(b)3., (d)2. (providing maximum terms of 25 years' initial confinement followed by 15 years' extended supervision for a Class C felony); 946.49(1)(b) (classifying felony bail jumping as a Class H felony); 973.01(2)(b)8., (d)5. (providing maximum terms of 3 years' initial confinement followed by 3 years' extended supervision for a Class H felony); 973.09(2)(b)1. (providing the maximum term of probation as the greater of 3 years or the maximum term of confinement in prison). The sentences were not unduly harsh, given the circumstances of the case, including the amount of methamphetamine involved and Hryniewiecki's criminal history. *See generally State v. Grindemann*, 2002 WI App 106,

¶¶31-32, 255 Wis. 2d 632, 648 N.W.2d 507 (discussing the standard for unduly harsh sentences). We also see nothing in the record to suggest that counsel provided ineffective assistance. *See generally State v. Sholar*, 2018 WI 53, ¶32, 381 Wis. 2d 560, 912 N.W.2d 89 (discussing the standard for claims of ineffective assistance of counsel).

In addition to the issues discussed by counsel, we note that Hryniewiecki waived the right to personally appear at the suppression and plea hearings and instead appeared by videoconference. The circuit court conducted proper colloquies to ensure the waivers were knowing and voluntary. *See State v. Soto*, 2012 WI 93, ¶46, 343 Wis. 2d 43, 817 N.W.2d 848.

Our independent review of the record discloses no other potential issues for appeal. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders*.

Upon the foregoing,

IT IS ORDERED that the judgments of conviction are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Dennis Schertz is relieved of any further representation of Rita Hryniewiecki in this matter pursuant to 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