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DISTRICT I

July 28, 2026

To:

Hon. Michelle A. Havas
Circuit Court Judge
Electronic Notice

Brett Lee McKellar
Electronic Notice

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

Salvador Henry Uribe 728979
Racine Youthful Offender Corr. Facility
P.O. Box 44380
Racine, WI 53404

John Blimling
Electronic Notice

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

2025AP1361-CRNM State of Wisconsin v. Salvador Henry Uribe (L.C. # 2021CF1438)

Before Donald, C.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).

Salvador Henry Uribe appeals from an amended judgment,¹ entered on his guilty plea, convicting him of first-degree recklessly endangering safety with use of a dangerous weapon as a party to a crime. Appellate counsel, Brett Lee McKellar, has filed a no-merit report, pursuant to

¹ A judgment of conviction was originally entered after sentencing on February 23, 2024. However, restitution was held open at that time. A restitution hearing was held on March 29, 2024, after which the circuit court entered an amended judgment. This appeal is taken from the March 29, 2024 judgment.

Anders v. California, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).² Uribe 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***, and counsel’s report, we conclude that there is no arguable merit to any issue that could be raised on appeal. Therefore, we summarily affirm. See WIS. STAT. RULE 809.21.

Uribe was charged in April 2021 with armed robbery and first-degree recklessly endangering safety with use of a dangerous weapon after he allegedly shot J.K. Pursuant to a plea agreement, Uribe pled guilty to first degree recklessly endangering safety with use of a dangerous weapon as a party to a crime. The circuit court sentenced him to three years of initial confinement and six years of extended supervision. The court subsequently commuted the extended supervision portion of Uribe’s sentence to five years.

At the restitution hearing, Uribe stipulated to the amount of J.K.’s requested medical expenses. However, he contested the request for the loss of income incurred by J.K.’s parents, P.K. and S.V. The lost income stemmed from J.K.’s parents taking time off from work to tend to J.K., who was seventeen years old at the time he was shot, while he was in the hospital and to attend his subsequent medical appointments. Uribe did not contest the amounts sought; rather, he argued that the lost income was not recoverable under the restitution statute.

The court rejected Uribe’s argument and ordered restitution to P.K. in the amount of \$2,560.46, and \$3,636.66 to S.V. The court also ordered restitution in the amount of \$7,009.42 for J.K.’s medical expenses based on the parties’ stipulation. This no-merit appeal follows.

² All references to the Wisconsin Statutes are to the 2023-24 version.

In the no-merit report, appellate counsel indicates that the only issue before this court is whether J.K.’s parents were legally entitled to restitution awards. Counsel asserts that such a claim would lack arguable merit because the record shows that the circuit court properly exercised its discretion in concluding that J.K.’s parents’ lost income, which was incurred while tending to J.K. during his recovery, was compensable under WIS. STAT. § 973.20(5)(a).

WISCONSIN STAT. § 973.20(5)(a) provides that “[i]n any case,” the court’s restitution order may require the defendant to: “Pay all special damages, but not general damages, substantiated by evidence in the record, which could be recovered in a civil action against the defendant for his or her conduct in the commission of a crime considered at sentencing.” *Id.* Special damages, in contrast to general damages, are “[a]ny readily ascertainable pecuniary expenditure paid out because of the crime[.]” See *State v. Holmgren*, 229 Wis. 2d 358, 365, 599 N.W.2d 876 (Ct. App. 1999). Here, the circuit court explained: “I think, in a civil action, the fact that mom and dad took off [from work] because their son was shot in the chest and left for dead in the snow, and he was treated at Children’s Hospital, it’s not a stretch that that would be compensable in a civil action.”

In the no-merit report, counsel additionally explains that the parents of a crime victim who is under the age of eighteen are considered victims. WIS. CONST. art. I, § 9m(1)(a)3. (including an individual who is the parent of a minor child who is the victim of a crime in the definition of “victim”); WIS. STAT. § 950.02(4)(a)2. Consequently, J.K.’s parents had both a statutory and constitutional right to seek restitution under WIS. STAT. § 973.20. WIS. STAT. § 950.04(1v)(q); WIS. CONST. art. I, § 9m(2)(m). We agree with counsel’s description, analysis, and conclusion that this potential issue lacks arguable merit.

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

Therefore,

IT IS ORDERED that the amended judgment awarding restitution is summarily affirmed.
See WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Brett Lee McKellar is relieved of further representation of Uribe 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