



OFFICE OF THE CLERK
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 II

August 12, 2026

To:

Hon. Samantha R. Bastil
Circuit Court Judge
Electronic Notice

John Blimling
Electronic Notice

Chris Koenig
Clerk of Circuit Court
Sheboygan County Courthouse
Electronic Notice

Will Straube
Electronic Notice

Ivan Gonzalez-Mendez #717098
Stanley Correctional Institution
100 Corrections Dr.
Stanley, WI 54768

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

2025AP58-CRNM State of Wisconsin v. Ivan Gonzalez-Mendez (L.C. #2021CF705)

Before Lazar, P.J., Gundrum, and LoCoco, 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).

Ivan Gonzalez-Mendez appeals from a judgment of conviction entered upon his guilty plea. 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). Gonzalez-Mendez received a copy of the report and was advised of his right to file a response. Gonzalez-Mendez did not respond. Upon consideration of the no-merit report and an independent review of the record, we conclude

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

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

The State charged Gonzalez-Mendez with seven felony counts and one misdemeanor. Several of the counts were charged as a conspiracy and/or as a party to a crime. The charges were brought after drug buys were conducted using a confidential informant. Gonzalez-Mendez and his co-conspirator allegedly possessed over 200 grams of methamphetamine, and had sold some of the drugs to the informant.

Pursuant to an agreement with the State, Gonzalez-Mendez entered a guilty plea to one count of delivery of methamphetamine in an amount of over 50 grams, a Class C felony. *See* WIS. STAT. § 961.41(1)(e)4. At sentencing, the State requested 3 years of initial confinement and 7 years of extended supervision. The defense requested 2 years of initial confinement because Gonzalez-Mendez had a substantial amount of credit for his time in custody awaiting resolution of the charges against him, and it made no request as to the length of extended supervision. The circuit court sentenced Gonzalez-Mendez to 10 years of initial confinement and 5 years of extended supervision for the count to which he pled. The court also granted 465 days of sentence credit and imposed a \$3,000 fine. This no-merit appeal follows.

First, we agree with the report that there is 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 him or her actually entering an unknowing plea, or demonstrate some other manifest injustice such as coercion, the lack of a factual basis to support the charge, or failure by the prosecutor to fulfill the plea agreement. *State v. Bangert*, 131

Wis. 2d 246, 272-76, 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 indication of any such defect here.

As stated above, Gonzalez-Mendez entered a guilty plea to only one of the charged offenses. The other 7 charges were dismissed and read in. With the assistance of a Spanish-language interpreter, the circuit court conducted a standard plea colloquy, inquiring into Gonzalez-Mendez's ability to understand the proceedings and the voluntariness of his plea decision, and further exploring his understanding of the nature of the charge, the penalty range and other direct consequences of the plea—including the mandatory immigration warning, and the constitutional rights being waived. See *State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794; and *Bangert*, 131 Wis. 2d at 266-72. In addition, Gonzalez-Mendez provided the court with a signed plea questionnaire that was printed both in English and Spanish, which is Gonzalez-Mendez's first spoken language. Gonzalez-Mendez indicated to the court that he had indeed signed the form and understood the information it provided, and he is not now claiming otherwise. See *State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987).

Both the circuit court, during the plea colloquy, and the plea questionnaire, which Gonzalez-Mendez affirmed that he read and understood, informed Gonzalez-Mendez of the rights he was giving up pursuant to his favorable agreement with the State. Such rights include “the right to a trial,” the “right to ... present evidence at trial[,]” and the “right to confront in court the people who testify against [him] and cross-examine them” as to any evidence they present. Gonzalez-Mendez has not provided any basis on which we could conclude that he did not knowingly, intelligently, and voluntarily waive these rights when he entered his plea. We conclude there would be no arguable merit to a challenge based on these issues.

The circuit court found that facts in the criminal complaint supplied a factual basis for the plea, and there is nothing in the record or the no-merit report that leads us to conclude otherwise. In addition, they provide nothing that would support a claim of ineffective assistance of trial counsel, and Gonzalez-Mendez told the circuit court he was satisfied with trial counsel's representation of him. Gonzalez-Mendez 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 *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886. For all the foregoing reasons, we conclude that there would be no arguable merit to a challenge related to Gonzalez-Mendez's guilty plea.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing sentence, the court considered the seriousness of the offense, Gonzalez-Mendez's character, and the need to protect the public. See *State v. Gallion*, 2004 WI 42, ¶¶27, 40-44, 270 Wis. 2d 535, 678 N.W.2d 197. Additionally, Gonzalez-Mendez had the opportunity to address the court directly at sentencing, though he chose not to do so.

As noted, the circuit court imposed a sentence of 15 years of imprisonment, comprised of 10 years of initial confinement and 5 years of extended supervision, and a \$3,000 fine. Gonzalez-Mendez faced a maximum sentence of 40 years of imprisonment for his conviction and a \$100,000 fine on the delivery of methamphetamine charge. See WIS. STAT. §§ 961.41(1)(e)4., 939.5093(c). Under the circumstances, it cannot reasonably be argued that

² Our review of the record and the no-merit report does not indicate that any suppression motions were filed in this case.

Gonzalez-Mendez'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).

Upon our independent review of the record, we have found 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 of the circuit court is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Will Straube is relieved from further representing Ivan Gonzalez-Mendez 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