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August 11, 2026

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

2025AP609-CRNM State of Wisconsin v. Jonathan S. Galatas (L.C. # 2020CF4291)

Before Donald, C.J., Colón, P.J., and Geenen, J.

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).

Jonathan S. Galatas appeals from his judgment of conviction for first-degree sexual assault of a child under thirteen years old. His appellate counsel filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ Galatas was advised of his right to file a response, but he did not do so. Upon this court's independent

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

review of the record as mandated by *Anders*, and counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm.

Galatas was charged in December 2020 with first-degree sexual assault of a child—sexual intercourse with a child under the age of twelve. *See* WIS. STAT. § 948.02(1)(b) (2019-20). The charge stemmed from the assault of his daughter, J.W., who was ten years old at the time. J.W. told her mother, S.W., and subsequently disclosed during a forensic interview, that Galatas had fondled her and performed oral sex on her during an overnight stay at his house. The State later added a charge of causing a child to view sexual activity, after J.W. further disclosed that Galatas made her watch a pornographic video on his phone that same night.

The matter proceeded to trial in September 2023. The State presented a video of J.W.'s forensic interview, and she also testified. During her testimony, she stated that Galatas had not performed oral sex on her, which was inconsistent with her forensic interview. As a result, the State amended the information to first-degree sexual assault of a child under the age of thirteen by sexual contact or intercourse. *See* WIS. STAT. § 948.02(1)(e) (2019-20).

Other witnesses for the State included S.W., who testified regarding J.W.'s disclosure to her about the assault and discussed the ongoing effects of the assault on J.W. A police detective who investigated the incident also testified, along with a forensic interviewer who had reviewed J.W.'s video.

Galatas testified in his own defense. He denied assaulting J.W., although he admitted she may have seen a pornographic website on his phone that night when she took his phone from him. Galatas's fiancé, Shawnte Owens, also testified. Owens stated that she was at Galatas's home on the night of the assault, and that she did not hear J.W. screaming for help as J.W. had

testified. Owens further testified that J.W. was “her usual happy self” the morning after the assault. Additionally, Galatas retained an expert who testified that he did not display character traits of a sex offender.

The jury found Galatas guilty of the amended sexual assault charge, but acquitted him of the charge regarding viewing sexual activity. The circuit court imposed a sentence of thirteen years of initial confinement followed by seven years of extended supervision. The conviction requires lifetime registration as a sex offender.

Galatas filed a postconviction motion seeking resentencing, arguing that the circuit court relied on inaccurate information in sentencing him. Specifically, Galatas pointed to an allegation made by S.W. in the presentencing investigation report (PSI), in which she stated that Galatas had kicked her in the stomach while she was pregnant, causing a miscarriage. Galatas asserted that there was no police report to substantiate this allegation. Additionally, Galatas argued that his trial counsel was ineffective for failing to challenge the PSI prior to sentencing.

The circuit court rejected these arguments. It stated that S.W. had described many instances of abuse by Galatas in the PSI, and that “few, if any of these allegations are supported by police reports, but that does not mean they did not happen or that the court could not consider them” for purposes of sentencing. The court therefore found that Galatas had not established that the information in the PSI was inaccurate.

The circuit court further found that Galatas’s ineffective assistance claim also failed because he had not demonstrated prejudice. The court stated that even without taking into consideration S.W.’s allegation regarding the miscarriage, the sentence it imposed would have been the same. It observed that “there was still more than sufficient information” in the forty-

six-page PSI to support its conclusion at sentencing that Galatas “feels no compunction about causing harm to women,” or that “those closest to [the defendant] are merely to be used and abused for [his] own pleasures and devices, that [he has] no respect for women, and [that he] has no problem shifting blame and manipulating others to get what he wants.”

Moreover, the circuit court noted that it had strongly considered the severity of the offense here, and the impact it had on J.W., in fashioning Galatas’s sentence. As a result, the court denied Galatas’s postconviction motion without a hearing. This no-merit appeal follows.

The no-merit report discusses pretrial proceedings and the procedures employed at trial, including jury selection, evidentiary rulings and testimony admitted, and the amendment of the information, and found no issues of arguable merit.² The report further addresses the sufficiency of the evidence, detailing the evidence presented by both sides. The report sets forth the applicable standard of review, noting that it is up to the jury to assess witness credibility and resolve any conflicts in the testimony. See *State v. Poellinger*, 153 Wis. 2d 493, 501, 503, 451 N.W.2d 752 (1990). We agree with appellate counsel’s assessment that there are no issues of arguable merit relating to the trial or pretrial proceedings.

The no-merit report also discusses the circuit court’s exercise of its discretion during sentencing. The record reflects that the court considered relevant sentencing objectives and factors. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. Additionally, Galatas’s

² As the no-merit report points out, the amendment of the sexual assault charge by the State during the trial eliminated the twenty-five-year mandatory minimum term of initial confinement that Galatas was facing.

sentence is within the statutory maximum, and is thus presumed not to be unduly harsh or unconscionable. See *State v. Grindemann*, 2002 WI App 106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507. The report therefore concludes that there are no issues of arguable merit related to sentencing.

The no-merit report further concludes there are no meritorious issues relating to Galatas's postconviction motion seeking resentencing. As the circuit court pointed out in its decision denying the motion, during sentencing it "may consider uncharged and unproven offenses and facts related to offenses for which the defendant has been acquitted," as it is "obliged to acquire full knowledge of the character and behavior pattern of the defendant before imposing sentence." See *State v. Prineas*, 2009 WI App 28, ¶28, 316 Wis. 2d 414, 766 N.W.2d 206 (citation modified). As such, Galatas's claim that there was no police report to substantiate S.W.'s miscarriage allegation does not establish that this was inaccurate information. See *State v. Tiepelman*, 2006 WI 66, ¶26, 291 Wis. 2d 179, 717 N.W.2d 1 ("A defendant who requests resentencing due to the circuit court's use of inaccurate information at the sentencing hearing must show both that the information was inaccurate and that the court actually relied on the inaccurate information in the sentencing." (citation modified)). In that vein, a claim of ineffective assistance of counsel cannot be demonstrated by trial counsel's failure to make a meritless challenge. *State v. Allen*, 2017 WI 7, ¶46, 373 Wis. 2d 98, 890 N.W.2d 245. We therefore agree with appellate counsel's assessment that there are no issues of arguable merit relating to the postconviction motion.

Our independent review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent Galatas further in this appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Brett Lee McKellar and Attorney Dustin C. Haskell are relieved of further representation of Galatas 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