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DISTRICT IV

August 20, 2026

To:

Hon. Ellen K. Berz
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Kelsey Jarecki Morin Loshaw
Electronic Notice

Eduardo Munoz Salinas
P.O. Box 44380
Racine, WI 53404

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

2024AP1883-CRNM State of Wisconsin v. Eduardo Munoz Salinas
(L.C. # 2019CF2153)

Before Graham, P.J., Blanchard, and Kloppenburg, 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).

Attorney Kelsey Loshaw, appointed counsel for appellant Eduardo Munoz Salinas, has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2023-24).¹ The no-merit report addresses whether there would be arguable merit to a challenge to Munoz Salinas' plea or sentencing. Munoz Salinas was provided a copy of the no-merit report, but has not filed a response. On our review of the no-merit report, as well as our independent review of the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744

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

(1967), we agree with counsel that there are no issues of arguable merit. We summarily affirm the judgment of conviction. See WIS. STAT. RULE 809.21.

The State charged Munoz Salinas with first-degree sexual assault of a child in the form of sexual contact with a child under thirteen; burglary; lewd and lascivious behavior; and bail jumping. According to the criminal complaint, Munoz Salinas' neighbor's home security camera captured video footage of Munoz Salinas outside with his genitals exposed. The same night, Munoz Salinas broke into another neighbor's house, crawled into a crib with a two-year-old child, and put his genitals on the child's face. At the time, Munoz Salinas was seventeen years old and was on bond pending a charge of lewd and lascivious behavior for allegedly exposing his genitals to children at a park. Pursuant to a plea agreement, Munoz Salinas pled guilty to first-degree sexual assault in the form of sexual contact with a child under thirteen, and the remaining charges in this case, plus the separate lewd and lascivious count in the prior case, were dismissed and read in for sentencing purposes. The court sentenced Munoz Salinas to ten years of initial confinement and twenty years of extended supervision.

The no-merit report addresses whether there would be arguable merit to a challenge to the validity of Munoz Salinas' plea. We agree with counsel's assessment that a challenge to Munoz Salinas' plea would be wholly frivolous. A post-sentencing motion for plea withdrawal must establish that plea withdrawal is necessary to correct a manifest injustice, such as that the plea was not knowing, intelligent, and voluntary. *State v. Brown*, 2006 WI 100, ¶18, 293 Wis. 2d 594, 716 N.W.2d 906. Here, the circuit court conducted a plea colloquy that, together with the plea questionnaire that Munoz Salinas signed, satisfied the court's mandatory duties to personally address Munoz Salinas and determine information such as Munoz Salinas' understanding of the nature of the charge, the range of punishments he faced, and the

constitutional rights he waived by entering a plea. See **State v. Hoppe**, 2009 WI 41, ¶¶18, 30, 317 Wis. 2d 161, 765 N.W.2d 794. There is no indication of any other basis for plea withdrawal. A valid guilty plea constitutes a waiver of all nonjurisdictional defects and defenses. **State v. Keltz**, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

The no-merit report also addresses whether there would be arguable merit to a challenge to Munoz Salinas' sentence. We agree with counsel that this issue lacks arguable merit. Our review of a sentence determination begins "with the presumption that the trial court acted reasonably, and the defendant must show some unreasonable or unjustifiable basis in the record for the sentence complained of." **State v. Krueger**, 119 Wis. 2d 327, 336, 351 N.W.2d 738 (Ct. App. 1984). The record establishes that Munoz Salinas was afforded the opportunity to address the court prior to sentencing. The court explained that it considered facts pertinent to the standard sentencing factors and objectives, including the seriousness of the offenses, Munoz Salinas' character and rehabilitative needs, and the need to protect the public. See **State v. Gallion**, 2004 WI 42, ¶¶39-46 & n.11, 270 Wis. 2d 535, 678 N.W.2d 197. The court awarded Munoz Salinas 33 days of sentence credit, on counsel's stipulation. We discern no non-frivolous basis to challenge the court's exercise of its sentencing discretion.

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**.

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed pursuant to Wis. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Kelsey Loshaw is relieved of any further representation of Eduardo Munoz Salinas 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