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DISTRICT IV

November 12, 2026

To:

Hon. Ellen K. Berz
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Thomas Brady Aquino
Electronic Notice

John Blimling
Electronic Notice

Marcus A. Reevey 724997
Fox Lake Correctional Institution
P.O. Box 200
Fox Lake, WI 53933-0200

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

2025AP191-CRNM State of Wisconsin v. Marcus A. Reevey (L.C. # 2022CF3001)

Before Graham, P.J., Kloppenburg, and Nashold, 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 Thomas Aquino, appointed counsel for appellant Marcus Reevey, 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 Reevey's plea or sentencing. Reevey 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 (1967), we agree with

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

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 Reevey with repeated sexual assault of the same child, under a provision with a mandatory minimum sentence of 25 years of initial confinement, plus two counts of possession of child pornography and one count of sexual exploitation of a child. Pursuant to a plea agreement, Reevey pled guilty to an added count of repeated sexual assault of a child, under a provision without the mandatory minimum sentence, and the remaining counts were dismissed. In addition, the State agreed to limit its initial confinement recommendation to 25 years, and the parties jointly requested a presentence investigation report without a sentencing recommendation. The circuit court sentenced Reevey to 18 years of initial confinement and 18 years of extended supervision.

The no-merit report addresses whether there would be arguable merit to a challenge to the validity of Reevey's plea. We agree with counsel's assessment that a challenge to Reevey's plea would be wholly frivolous. A postsentencing motion for plea withdrawal must establish that plea withdrawal is necessary to correct a manifest injustice, such as a plea that 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 Reevey signed, satisfied the court's mandatory duties to personally address Reevey and determine information such as Reevey's 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. Kelty***, 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 Reevey's 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 Reevey was afforded the opportunity to address the circuit court prior to sentencing. The court explained that it considered facts pertinent to the standard sentencing factors and objectives, including the seriousness of the offense, Reevey's 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 Reevey 327 days of sentence credit, on counsel's stipulation. We discern no nonfrivolous 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 Thomas Aquino is relieved of any further representation of Marcus Reevey 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