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DISTRICT II

November 18, 2026

To:

Hon. Michael D. Rust
Circuit Court Judge
Electronic Notice

Desiree Bongers
Clerk of Circuit Court
Winnebago County Courthouse
Electronic Notice

John Blimling
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Leonard D. Kachinsky
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Aaron R. O'Neil
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You are hereby notified that the Court has entered the following opinion and order:

2026AP714-CR State of Wisconsin v. Christopher B. Perez (L.C. #2021CF7)

Before Lazar, P.J., Grogan, 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).

Christopher B. Perez appeals a circuit court judgment of conviction and the order denying his postconviction motion. Based upon our review of the briefs and Record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).[1] For the following reasons, we affirm.

A jury convicted Perez of six charges for repeatedly sexually assaulting his two stepdaughters in Oshkosh. Perez filed a postconviction motion for relief arguing his trial counsel

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

was ineffective for not (1) objecting to alleged hearsay that a family member had found Perez and one of the stepdaughters in a bathroom together in Texas and (2) investigating and presenting testimony from certain witnesses, including Perez's grandmother and ex-wife, who he says might have (a) spoken to Perez's good character and (b) rebutted other-acts evidence of out-of-state assaults by testifying that crowded living conditions would have made the assaults difficult. The circuit court denied the motion without an evidentiary hearing or any explanation; Perez appeals.

A circuit court may deny a postconviction motion based on ineffective assistance of counsel without holding a hearing when the Record conclusively demonstrates that trial counsel's performance was not deficient or, if it was deficient, that the performance did not prejudice the defense. *See, e.g.*, ***State v. Jackson***, 2023 WI 3, ¶¶8-11, 405 Wis. 2d 458, 983 N.W.2d 608; *see also* ***Strickland v. Washington***, 466 U.S. 668, 687 (1984). In the ineffective assistance context, prejudice exists where "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." ***Strickland***, 466 U.S. at 694. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." ***Id.***

Here we can assume without deciding that Perez's attorney performed deficiently because the Record conclusively demonstrates that the alleged errors Perez cites did not prejudice his defense. We agree with the State that the evidence against Perez was strong. It included: Perez's confession to police that he sexually assaulted one of his stepdaughters; the victims' recording of Perez admitting to and apologizing for assaulting them; DNA evidence from an assault that one of the victims kept in a pill bottle and gave to police; and other trial testimony from the victims and a friend. It is speculative to conclude this robust case against

Perez would have failed due to comments that Perez was actually a good father, testimony suggesting some out-of-state assaults may not have occurred, and the exclusion of one statement relating to one of many assaults. Indeed, while Perez argues that the verdicts "might have been different" in the absence of the alleged deficient performance, that is not the standard; Perez must demonstrate a "reasonable probability" of a different result. The Record conclusively rebuts Perez's attempted showing, so the circuit court was entitled to deny his postconviction motion without a hearing.

We agree with Perez, however, that the circuit court's failure to set forth a reasoned decision supporting its denial of his motion was improper. One-line denials simply shift work the circuit court should have done to the parties and this court, while increasing the risk of error and delay. Although the Record permits summary affirmance in this case, *see* ***State v. Radder***, 2018 WI App 36, ¶24, 382 Wis. 2d 749, 915 N.W.2d 180 (searching the Record for grounds to uphold a discretionary decision), in future cases summary reversal and remand might be required.

Therefore,

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

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals