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DISTRICT III

May 5, 2020

To:

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

2018AP1754-CRNM State of Wisconsin v. Dennis J. Garczynski
(L. C. No. 2017CF799)

Before Stark, P.J., Hruz and Seidl, 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).

Counsel for Dennis Garczynski has filed a no-merit report concluding there is no basis to challenge Garczynski's convictions for possession of methamphetamine with intent to deliver over 50 grams, as a party to a crime; possession of methamphetamine, as a party to a crime; possession of THC, as a party to a crime; possession of a controlled substance, as a party to a crime; possession

of narcotic drugs, as a party to a crime; maintaining a drug trafficking place; possession of methamphetamine between 3-10 grams; and possession of narcotic drugs. Garczynski was advised of his right to respond and has not responded. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal, and we summarily affirm. See WIS. STAT. RULE 809.21 (2017-18).¹

The Brown County Drug Task Force executed a search warrant on a room at an Econo Lodge rented to Garczynski and his wife. The search revealed approximately 300 grams of methamphetamine, digital scales, “meth pipes,” baggies, a needle that tested positive for methamphetamine, various narcotic drugs, marijuana, a large amount of cash, and other drug paraphernalia. Garczynski drove into the motel parking lot after the search was completed and was taken into custody. Oxycodone pills were discovered in his front pocket and a large amount of cash was found on his person and in the vehicle’s center console. The vehicle also contained methamphetamine, a meth pipe, digital scale, baggies, a receipt book, and other paraphernalia. The task force’s investigation revealed that Garczynski and his wife were engaged in interstate drug trafficking, and the arrest was considered one of the largest methamphetamine seizures in Brown County history.

A criminal complaint charged Garczynski with seventeen drug-related counts. Garczynski pleaded no contest and he was convicted of the eight counts outlined above, while the remaining nine counts were dismissed and read in. The circuit court imposed a sentence consisting of ten years’ initial confinement and five years’ extended supervision on the methamphetamine distribution count (Count one); consecutive two years’ initial confinement and two years’ extended

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

supervision on the possession with intent to distribute methamphetamine count (Count eight); and an aggregate six years' seven months' initial confinement and four years' extended supervision concurrently on the remaining counts.

The no-merit report discusses whether the pleas were knowingly, voluntarily, and intelligently entered, and whether the circuit court erred in exercising its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues raised, and we will not discuss them further.²

Our independent review of the record discloses no other potential issues for appeal.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Timothy T. O'Connell is relieved of his obligation to further represent Dennis Garczynski in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals

² The circuit court failed to personally advise Garczynski of the potential deportation consequences of his pleas as mandated by WIS. STAT. § 971.08(1)(c). However, the presentence investigation report reveals that Garczynski was born in Milwaukee, and no arguable issue therefore arises from the court's failure regarding the deportation consequences. Although also not raised in the no-merit report, we note that the COMPAS risk assessment was mentioned in the presentence investigation report, but the record shows COMPAS was not determinative of the sentence imposed by the court. *See State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749. Any challenge to the sentence based on COMPAS would therefore lack arguable merit.