



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT IV

August 14, 2025

To:

Hon. Gregory J. Potter
Circuit Court Judge
Electronic Notice

Kimberly Stimac
Clerk of Circuit Court
Wood County Courthouse
Electronic Notice

Carlos Bailey
Electronic Notice

John Blimling
Electronic Notice

Michael T. Ross, Jr. 387485
Racine Correctional Inst.
P.O. Box 900
Sturtevant, WI 53177-0900

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

2024AP679-CRNM State of Wisconsin v. Michael T. Ross, Jr. (L.C. # 2020CF142)

Before Blanchard, 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 Carlos Bailey, as appointed counsel for Michael T. Ross, Jr., filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967). Counsel provided Ross with a copy of the report, and both counsel and this court advised Ross of his right to file a response. Ross has not responded. We conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. After our independent

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

review of the record, we conclude that there is no arguable merit to any issue that could be raised on appeal.

Ross pled no contest to one count of second-degree sexual assault of a child and two counts of third-degree sexual assault. *See* WIS. STAT. §§ 948.02(2), 940.225(3)(b). Pursuant to the plea deal, two other charges were dismissed outright. For each of the two counts of third-degree sexual assault, the court imposed consecutive sentences consisting of five years of initial confinement and five years of extended supervision. For the count of second-degree sexual assault of a child, the court withheld sentence and imposed a twenty-five-year period of probation, to run concurrently with the prison sentences. The court further required Ross to register as a sex offender. The court awarded 1,099 days of sentence credit for time that Ross spent in pretrial custody.

The no-merit report addresses whether Ross's pleas were entered knowingly, voluntarily, and intelligently. Upon our review of the record, we are satisfied that the plea colloquy sufficiently complied with the requirements of *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906, and WIS. STAT. § 971.08 relating to the nature of the charges, the rights Ross was waiving, and other required matters. There is no indication of any other basis for plea withdrawal. Generally, a valid guilty or no-contest plea constitutes a waiver of all nonjurisdictional defects. *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886. We agree with counsel that there would be no arguable merit to challenging the validity of Ross's pleas.

Additionally, the no-merit report addresses Ross's sentences. As explained in the no-merit report, the sentences are within the legal maximum. As to discretionary issues, the

standards for the circuit court and this court are well established and need not be repeated here. *See State v. Gallion*, 2004 WI 42, ¶¶17-51, 270 Wis. 2d 535, 678 N.W.2d 197. In this case, the court considered appropriate factors, did not consider improper factors, and reached a reasonable result. There is no arguable merit to this issue.

Finally, the no-merit report discusses whether there would be any arguable merit to a claim that Ross’s constitutional right to a speedy trial was violated. *See* U.S. CONST. amend. VI; *see also* WIS. CONST. art. I, § 7. As we previously mentioned, a valid plea “waives all nonjurisdictional defects, including constitutional claims.” *Kelty*, 294 Wis. 2d 62, ¶18 (quoted source omitted). The Wisconsin Supreme Court has applied this rule to hold that a properly made plea waives a defense based on the right to a speedy trial. *Hatcher v. State*, 83 Wis. 2d 559, 563, 266 N.W.2d 320 (1978) (citing *Foster v. State*, 70 Wis. 2d 12, 19-20, 233 N.W.2d 411 (1975)). We agree with counsel’s conclusion in the no-merit report that, when Ross accepted the plea agreement in this case, he waived the right to present a defense based on the right to a speedy trial.

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

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Carlos Bailey is relieved of further representation of Michael T. Ross, Jr., 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