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DISTRICT III

September 3, 2025

To:

Hon. James A. Morrison
Circuit Court Judge
Electronic Notice

Caroline Brazeau
Clerk of Circuit Court
Marinette County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Catherine Malchow
Electronic Notice

Isaac Daniel Pacey
9867 Highstone Drive
Roscoe, IL 61073

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

2025AP47-CRNM

State of Wisconsin v. Isaac Daniel Pacey (L. C. No. 2022CF188)

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

Isaac Daniel Pacey appeals from a judgment of conviction entered upon his plea of no contest. His appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24),¹ and *Anders v. California*, 386 U.S. 738 (1967). Pacey received a copy of the report, was advised of his right to file a response, and has elected not to do so. Upon consideration of the report and an independent review of the record, we conclude there are no issues with arguable merit for appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

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

Pacey was convicted following a plea of no contest to possession of methamphetamine with intent to deliver. The charges stemmed from a traffic stop of a vehicle with an unregistered license plate that Pacey was driving. After a K9 alerted to the presence of drugs, police discovered methamphetamine, heroin/fentanyl, a bong, and a pipe in Pacey's vehicle. Pursuant to an agreement with the State, Pacey entered a plea to the methamphetamine charge, and charges of possession with intent to deliver heroin, maintaining a drug-trafficking place, and possession of drug paraphernalia were dismissed and read in.

The circuit court ordered a presentence investigation report (PSI). The court adopted the sentencing recommendations of the presentence investigator and ordered a twelve-year prison sentence comprised of five years of initial confinement followed by seven years of extended supervision. Through counsel, Pacey filed a postconviction motion regarding the language of one of the conditions of extended supervision. The court modified the language, as stipulated to by the parties and it issued an amended judgment of conviction reflecting the modification. This no-merit appeal follows.

First, we see no arguable basis for plea withdrawal. In order to withdraw a plea after sentencing, a defendant either must show that the plea colloquy was defective in a manner that resulted in the defendant actually entering an unknowing plea or demonstrate some other manifest injustice such as coercion, lack of a factual basis to support the charge, ineffective assistance of counsel, or failure by the prosecutor to fulfill the plea agreement. *State v. Bangert*, 131 Wis. 2d 246, 272-76, 389 N.W.2d 12 (1986); *State v. Krieger*, 163 Wis. 2d 241, 249-51 & n.6, 471 N.W.2d 599 (Ct. App. 1991). There is no evidence of any such defect here.

Pacey entered a plea of no contest to possession of methamphetamine, in an amount between 10 grams and 50 grams, with intent to deliver. The circuit court conducted a standard plea colloquy, inquiring into Pacey's ability to understand the proceedings, the voluntariness of his plea decision, his understanding of the nature of the charge, the penalty range and other direct consequences of the plea, and the constitutional rights being waived. *See State v. Hoppe*, 2009 WI 41, ¶18, 317 Wis. 2d 161, 765 N.W.2d 794; *Bangert*, 131 Wis. 2d at 266-72. The court made sure Pacey understood that it would not be bound by any sentencing recommendations. In addition, Pacey provided the court with a signed plea questionnaire. Pacey stated that he had signed the form and understood the information explained on that form, and he is not now claiming otherwise. *See State v. Moederndorfer*, 141 Wis. 2d 823, 827-28, 416 N.W.2d 627 (Ct. App. 1987).

Pacey's counsel stated on the record that there was a factual basis for the plea, and there is nothing in the record or the no-merit report that leads us to conclude otherwise. In addition, Pacey indicated satisfaction with his attorney. Nothing in our independent review of the record would support a claim that trial counsel rendered ineffective assistance. Pacey has not alleged any other facts that would give rise to a manifest injustice. Therefore, the plea was valid and operated to waive all nonjurisdictional defects and defenses, aside from any suppression ruling.² *See State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886.

² Our review of the record and the no-merit report indicates that Pacey filed a suppression motion but later decided to enter his no-contest plea rather than pursue the motion. Based upon our review of the no-merit report and the record, we conclude that there are no issues of arguable merit related to that decision or the amended conditions of extended supervision.

There also is no arguable merit to a claim that the circuit court improperly exercised its sentencing discretion. In imposing its sentence, the court considered the seriousness of the offenses, Pacey's character, and the need to protect the public. *See State v. Gallion*, 2004 WI 42, ¶¶27, 40-44, 270 Wis. 2d 535, 678 N.W.2d 197. Pacey had the opportunity, through his counsel, to comment on the PSI. He also had the opportunity to address the court directly, and he did so prior to the court's imposition of sentence.

The circuit court imposed a sentence of twelve years of imprisonment, comprised of five years of initial confinement followed by seven years of extended supervision. Pacey faced a possible sentence of 25 years of imprisonment and a fine of up to a \$100,000. *See* WIS. STAT. §§ 961.41(1m)(e)3. (classifying possession of between 10 and 50 grams of methamphetamine with intent to deliver as a Class D felony), 939.50(3)(d) (providing maximum penalties for a Class D felony). Under these circumstances, it cannot reasonably be argued that Pacey's sentence is so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Upon our independent review of the record, we have found no other arguable basis for reversing the judgment of conviction. *See State v. Allen*, 2010 WI 89, ¶¶81-82, 328 Wis. 2d 1, 786 N.W.2d 124. We conclude that any further appellate proceedings would be wholly frivolous within the meaning of *Anders* and WIS. STAT. RULE 809.32.

Accordingly,

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

IT IS FURTHER ORDERED that Attorney Catherine R. Malchow is relieved from further representing Isaac Daniel Pacey in this appeal. *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