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DISTRICT I

November 18, 2025

To:

Hon. Rebecca A. Kiefer
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Annice Kelly
Electronic Notice

Jennifer L. Vandermeuse
Electronic Notice

Melissa J. Bunger
1602 W. Sunnyslope Road
New Berlin, WI 53151

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

2024AP1570-CRNM State of Wisconsin v. Melissa J. Bunger (L.C. # 2022CF3859)

Before White, C.J., Donald, and Geenen, 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).

Melissa J. Bunger appeals a judgment, entered upon her guilty pleas, convicting her of neglecting a child under the age of 6 where no harm occurred and one count of operating while intoxicated causing injury to a child under the age of 16 in the vehicle. Appellate counsel, Annice Kelly, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ Bunger received a copy of the report, was advised of her right to file a response, and has responded. We have independently reviewed the record and the

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

no-merit report as mandated by *Anders*. We conclude that there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm. *See* WIS. STAT. RULE 809.21.

The State charged Bunger with one count of neglecting a child resulting in bodily harm and one count of operating while intoxicated causing injury to a child under the age of 16 in the vehicle. According to the criminal complaint, on October 1, 2022, police responded to a 911 call from a driver who reported a swerving vehicle. The vehicle, driven by Bunger, ultimately struck a parked car. The complaint further states that Bunger appeared to fall asleep while driving, that Bunger was intoxicated, and that Bunger's child was injured in the crash.

Bunger ultimately pled guilty to an amended charge of neglecting a child under the age of 6 where no harm occurred and one count of operating while intoxicated causing injury to a child under the age of 16 in the vehicle. The circuit court conducted a plea colloquy with Bunger and accepted her pleas. The court sentenced Bunger to 18 months of initial incarceration and 2 years of extended supervision, imposed and stayed, on the neglect count. On the operating while intoxicated count, the court sentenced Bunger to 1 year probation with credit for 219 days of time served, to run consecutively. This no-merit report follows.

Appellate counsel's no-merit report addresses two issues: (1) whether Bunger's pleas were knowing, intelligent, and voluntary; and (2) whether the circuit court properly exercised its sentencing discretion.

With regard to Bunger's guilty pleas, our review of the record—including the plea questionnaire/waiver of rights form, the addendum, the jury instructions, and the plea hearing transcript—confirms that the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12

(1986), and *State v. Brown*, 2006 WI 100, ¶35, 293 Wis. 2d 594, 716 N.W.2d 906. These obligations exist specifically to help ensure the validity of any plea. We thus agree with appellate counsel's conclusion in the no-merit report that there is no arguable merit to seeking plea withdrawal based on a claim that Bunger's pleas were anything other than knowing, intelligent, and voluntary.

With regard to the circuit court's sentencing decision, we note that sentencing is a matter for the circuit court's discretion. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197. At sentencing, a court must consider the principal objectives of sentencing, including the protection of the community, the punishment and rehabilitation of the defendant, and deterrence to others. *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. It must also determine which objective or objectives are of greatest importance. *Gallion*, 270 Wis. 2d 535, ¶41. In seeking to fulfill the sentencing objectives, the court should consider several primary factors, including the gravity of the offense, the character of the offender, and the protection of the public, and it may consider additional factors. *State v. Odom*, 2006 WI App 145, ¶7, 294 Wis. 2d 844, 720 N.W.2d 695. The weight to be given to each factor is committed to the court's discretion. *Id.* Our review of the record confirms that the court appropriately considered the relevant sentencing objectives and factors. The resulting sentence was within the potential maximum authorized by law, see *State v. Scaccio*, 2000 WI App 265, ¶18, 240 Wis. 2d 95, 622 N.W.2d 449, and is not so excessive so as to shock the public's sentiment, see *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our review of the record prompts us to address one issue not included in appellate counsel's no-merit report. Earlier in the proceedings, Bunger's counsel requested that the circuit court judge recuse herself. The court denied the motion. WISCONSIN STAT. § 757.19(2)(g)

requires recusal “[w]hen a judge determines that, for any reason, he or she cannot, or it appears he or she cannot, act in an impartial manner.” Because our review is limited to whether the judge made the required determination, *State v. American TV & Appliance of Madison, Inc.*, 151 Wis. 2d 175, 183-186, 443 N.W.2d 662 (1989), and the judge did so here, we agree that a challenge to the judge’s decision would lack arguable merit.

In her response, Bunger maintains her innocence, argues that her bail was excessive, claims she was denied due process, alleges judicial bias, and claims counsel was ineffective for lack of communication, among other things. Most of Bunger’s arguments are waived pursuant to the guilty plea waiver rule. See *State v. Kelty*, 2006 WI 101, ¶18, 294 Wis. 2d 62, 716 N.W.2d 886 (stating that the “general rule is that a guilty ... plea ‘waives all nonjurisdictional defects, including constitutional claims’” (citation omitted)). As to the ineffective assistance of counsel claim, our review of the record does not support Bunger’s allegation.

Our independent review of the record reveals no other potential issues of arguable merit.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Annice Kelly is relieved of further representation of Melissa J. Bunger 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