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DISTRICT II

April 22, 2026

To:

Hon. Laura F. Lau
Circuit Court Judge
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Ann Auberry
Electronic Notice

John Blimling
Electronic Notice

Armon D. Vaccaro #645832
Green Bay Correctional Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

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

2024AP797-CRNM State of Wisconsin v. Armon D. Vaccaro (L.C. #2018CF425)

Before Neubauer, P.J., Gundrum, and Grogan, 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).

In this appeal from a judgment of the circuit court and order denying a postconviction motion for plea withdrawal, Attorney Ann Auberry, appointed counsel for Armon D. Vaccaro, has filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2023-24)¹ and *Anders v. California*, 386 U.S. 738 (1967).² Counsel provided Vaccaro with a copy of the report, and both

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

² The Honorable Laura F. Lau presided over the plea and sentencing hearings, and the Honorable Randy R. Koschnick entered the order denying Vaccaro's plea-withdrawal motion.

counsel and this court advised Vaccaro of his right to file a response. Vaccaro has not responded. After our independent review of the record and the no-merit report, we conclude that there is no arguable merit to any issue that could be raised on appeal. We summarily affirm. *See* WIS. STAT. RULE 809.21.

Vaccaro pled guilty to one count of armed robbery with use or threat of force, as a party to a crime, in violation of WIS. STAT. §§ 943.32(2) and 939.05. Three other related charges from the same case were dismissed and read in as part of the agreement with the State, as well as a separate pending felony case with four charges. The court imposed a sentence of eight years of initial confinement and eight years of extended supervision.

The no-merit report addresses whether Vaccaro's plea was entered knowingly, voluntarily, and intelligently. The report and our independent review of the record reveals that the plea colloquy sufficiently complied with the requirements of *State v. Bangert*, 131 Wis. 2d 246, 255-73, 389 N.W.2d 12 (1986) and WIS. STAT. § 971.08 relating to the nature of the charge, Vaccaro's understanding of the proceedings and the voluntariness of the plea decision, the penalty ranges and other direct consequences of the pleas, and the constitutional rights being waived.³ The record also establishes that Vaccaro stipulated that there was a factual basis for the

³ As the no-merit report observes, the circuit court here complied with all but one of the constitutional and statutory requirements for establishing Vaccaro was entering a knowing, intelligent, and voluntary plea to one of the original seven charges. Specifically, the court did not question Vaccaro on the record as to whether his plea was the product of threats or promises made to him outside the trial court record. Vaccaro filed a plea-withdrawal motion based on this deficiency, which the court denied after finding that Vaccaro did not receive any threats or promises to enter his guilty plea, except for the favorable terms of the State's plea offer. In denying the motion, the court found trial counsel to be more credible than Vaccaro as relevant to the motion and noted that the plea questionnaire, which Vaccaro signed, attested in writing that no threats or promises were made to coerce Vaccaro into entering a guilty plea. There would be no arguable merit to a challenge to the postconviction order.

plea set forth in the criminal complaint. The record shows no other ground to withdraw the plea. There is no arguable merit to this issue.

The no-merit report also addresses whether the circuit court erroneously exercised its sentencing discretion. The standards for the circuit court and this court on discretionary sentencing issues 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. Vaccaro faced a maximum sentence of 40 years of imprisonment, but he was sentenced to only 16. Under the circumstances, it cannot reasonably be argued that Vaccaro'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. Any argument that the circuit court erroneously exercised its sentencing discretion is without arguable merit on appeal.

Upon the foregoing reasons,

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

IT IS FURTHER ORDERED that Attorney Ann Auberry is relieved of further representation of Armon D. Vaccaro in this case pursuant to 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