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**DISTRICT III**

November 2, 2021

To:

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Circuit Court Judge  
Electronic Notice

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Clerk of Circuit Court  
Eau Claire County Courthouse  
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Gary King  
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Mark A. Schoenfeldt  
Electronic Notice

Jariel C. Riley 461236  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

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2019AP897-CRNM      State of Wisconsin v. Jariel C. Riley  
2019AP898-CRNM      (L. C. Nos. 2017CF301, 2017CF1082)

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).**

Counsel for Jariel Riley filed a no-merit report concluding that no grounds exist to challenge Riley's convictions for one count of conspiracy to deliver one gram or less of cocaine and one count of delivering three grams or less of heroin, both counts as a repeater. Riley was informed of his right to respond to the no-merit report, and he has not responded. Upon our independent review of the records as mandated by *Anders v. California*, 386 U.S. 738 (1967),

we conclude there is no arguable merit to any issue that could be raised on appeal. Therefore, the judgments of conviction are summarily affirmed. *See* WIS. STAT. RULE 809.21 (2019-20).<sup>1</sup>

In Eau Claire County case No. 2017CF301, the State charged Riley with conspiracy to deliver one gram or less of cocaine and felony bail jumping, both counts as a repeater. The charges were based on allegations that Riley arranged to sell cocaine to a confidential informant—a transaction that later took place as part of a controlled buy completed by a co-defendant. In Eau Claire County case No. 2017CF1082, the State charged Riley with delivering three grams or less of heroin and felony bail jumping, both counts as a repeater. The charges in that case arose from allegations that Riley provided heroin to a woman who later died after injecting it.

The cases were resolved as part of a global plea agreement. In exchange for Riley's no-contest pleas to conspiracy to delivery of one gram or less of cocaine and delivering three grams or less of heroin, both counts as a repeater, the State agreed to recommend that the remaining counts in these cases and another case be dismissed and read in. The parties agreed to request a presentence investigation report, but they remained free to argue at sentencing. Out of a maximum possible sentence of eighteen and one-half years for delivering heroin, as a repeater, the circuit court imposed a ten-year sentence consisting of eight years' initial confinement followed by two years' extended supervision. Out of a maximum possible fourteen-year sentence for delivering cocaine, as a repeater, the court imposed and stayed three years' initial

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

confinement followed by two years' extended supervision, and it placed Riley on five years' probation to run consecutive to the sentence in the other case.

The no-merit report addresses whether Riley knowingly, intelligently and voluntarily entered his no-contest pleas; whether the circuit court erroneously exercised its sentencing discretion; and whether there are any grounds to challenge the effectiveness of Riley's trial counsel. Upon reviewing the records, we agree with counsel's description, analysis, and conclusion that none of these issues has arguable merit. Although the court failed to inform Riley that it was not bound by the terms of the plea agreement, as required under *State v. Hampton*, 2004 WI 107, ¶32, 274 Wis. 2d 379, 683 N.W.2d 14, this information is included in the plea questionnaire form that Riley signed and acknowledged reviewing with his counsel. Further, Riley did not file a response claiming he was unaware that the court was not bound by the plea agreement and, ultimately, he received the benefit of the plea agreement. Any challenge to the validity of the pleas on this ground would therefore lack arguable merit. The no-merit report otherwise sets forth an adequate discussion of the potential issues to support the no-merit conclusion, and we need not address them further. Our independent review of the records discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgments are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Mark A. Schoenfeldt is relieved of his obligation to further represent Jariel Riley in these matters. See WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*